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THE
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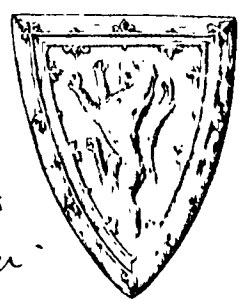
CHARTERS

AND OTHER DOCUMENTS

RELATING TO

A. D. 1143 — 1540.



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EDINBURGH:

MDCCCLXXI.

THE SCOTTISH BURGH RECORDS SOCIETY.

THE value of the early Records of the Burghs of Scotland, as throwing light upon national life and manners, explaining national institutions, and illustrating social progress, has been fully recognised, and can scarcely be exaggerated. Some of the Book Clubs, which have contributed so much to the elucidation of Scottish History, have already directed their attention to these Records. The Spalding Club has given the country a peculiarly interesting and valuable series of extracts from the Records of the Burgh of Aberdeen, while the Maitland Club has published notices from the Records of Dysart, and extracts from the Burgh Records of Glasgow, Prestwick, Edinburgh, and Canongate. Apart, however, from what has been done in regard to Aberdeen, it cannot be said that much more has been effected than merely to break ground in the direction of investigating and publishing extracts from the Burgh Records of Scotland; and as nothing more is now to be hoped from the Book Clubs which still exist, this Society has been formed for the special purpose of undertaking the work.

Besides extracts from the Burgh Records, copies of the Charters of Burghs and illustrative Extracts from contemporary local Records will be given, as far as may be considered desirable.

The annual subscription is One Guinea, payable in advance, on the 1st day of January. The first subscription was payable on 1st January 1868.

The Extracts from the Records of each Burgh will, as far as the Committee consider expedient, be issued separately, and without adhering to any prescribed order.

As affording a key to much that is to be found in the Records of the Burghs, and as generally illustrative of municipal institutions in Scotland, the Committee resolved to publish, in early volumes of the series, the Laws of Scotland relating to the Burghs, down to the accession of James VI. to the crown of England, and probably to the union of the two kingdoms. In pursuance of this design, they have already issued a volume containing the Laws of the Four Burghs, and the old Laws relating to the Burghs, from the earliest period of record till the return of James I. to Scotland in 1424. The editing of that work, and the preparation

of the introductory historical sketch of the Burghs prefaced to it, were undertaken by Professor Cosmo Innes, who has also undertaken the editing of the second volume, which is now passing through the press.

A volume of Extracts from the oldest Records of the City of Edinburgh, extending from 1403 till 1528, and including all that is now known to exist of the burghal legislation of the capital during that period, was delivered to the members during March last. It was originally intended that this volume should come down to the commencement of the regular series of the records of the Town Council in 1551, but the extent of the materials rendered it necessary to reserve the extracts subsequent to 1528 for a second volume, which is in the press, and will be issued as soon as possible during the ensuing year.

The Corporation of Edinburgh having authorised the transcription and printing, for its own purposes, of its oldest Charters and other muniments, has kindly allowed the Scottish Burgh Records Society to print off copies for the use of the members of the Society. That volume, containing Charters from 1143 to 1540, is now ready for issue.

A selection of Extracts from the oldest Records of the Burgh of Peebles is ready for the press, and will be edited by William Chambers, Esq., of Glenormiston, author of the "History of Peeblesshire."

Selections from the Records of the Burghs of Haddington, Dunfermline, and Dysart, are being prepared.

The Committee contemplate the publication of a collection of the oldest Charters of the Burghs of Scotland, and will be glad to receive from Town Clerks and other custodiers of public documents, such information as they can give in regard to original documents in their possession, illustrative of the constitution and early history of the municipal institutions of the country.

It is requested that all who are disposed to further the prosecution of this project, will be so good as to intimate their subscriptions as early as possible to the Secretary or Treasurer.

Edinburgh, *December 1870.*

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DESCRIPTION of the SEALS of the City of Edinburgh, taken from Mr Henry Laing's Catalogue of Ancient Scottish Seals.

1156. EDINBURGH. See Plate

A Castle triple towered, the gates thrown open. In each of the towers the head of a soldier. Foliage at the lower part and sides of the seal, and above the towers a crescent and a mullet.

"Sigillum comune burgi de E[dinb]urgh."

1157. COUNTER SEAL OF THE LAST. See Plate

A full length figure of St Giles standing within a Gothic porch in pontifical vestments, but without a mitre; in his right hand he holds the crozier, and in his left a book. (*l*) At each side of the saint is a short staff terminating in a *fleur-de-lis*. Branches of foliage ornament the lower part and sides of design

"Egidii singno credatis [corde benni]gno."—Appended to Resignation by William de Cochrane to Sir Henry Douglas, Knight, Lord of Longnewton, of two tenements in Longnewton. A.D. 1392.—Morton Charters.

1158. EDINBURGH.

A fine seal; the impression is, however, rather imperfect. A Castle upon a rock. The background ornamented with foliage.

"Sigillum comune burgi de Edynburgh."

1159. COUNTER SEAL OF THE LAST.

A rich design of St Giles, with his favourite hart, holding a book in his left hand, standing within a richly ornamented Gothic niche.

"Egidii singno credatis corde benningo."—Appended to Reversion of the Superiority of Leith, A.D. 1565.—City of Edinburgh Charters.

1160. EDINBURGH. Seal of Causes.

A Castle on a rock. In each of the two outer turrets is a female figure, holding a banner in the interior hand, and in the exterior a branch of foliage hanging over the battlements.

"S' Communi burgi de Edinburg ad causas."—A.D. 1586.—The Very Rev. Principal Lee.

From Supplement to Catalogue.

1215. EDINBURGH. The Capital of Scotland, and a Royal Burgh as early as A.D. 1128.

A Castle, single towered, gates closed. Foliage in the background.

"Sigillum cohetti (*l*) de Edinburgh."

1216. COUNTER SEAL OF THE LAST.

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Registrum Magni Sigilli (Record Edition), p. 206, Rot. IX., No. 32.

XX. CHARTER by Sir ROBERT LOGAN, Knight, Lord of Restalrig, to his neighbours the Burgesses and Community of the Burgh of Edinburgh, whereby he (1) gave them full power and liberty to cast and carry away the earth and gravel lying upon the bank or shore of the Water of Leith, for enlarging their Port of Leith whenever and as often as they pleased,—to place a bridge over the said water, and to moor ships to any part of his lands without the said Port; (2) granted to them all his ways, roads, and passages through his lands of the barony of Restalrig and town of Leith going to the said Port, with power to make new roads of sufficient length and breadth; (3) granted to them full liberty to carry their goods through his lands by their said roads, for unloading ships and vessels; and (4) renounced for himself, his heirs, and successors, the right to retail wine, to bake bread for sale, and to keep and hold girnels for victual, and booths of merchandise, &c., which were contrary to the liberties and customs of the said Burgh. All which grants and conces-

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sions he warranted absolutely, under the penalty of £200 sterling, to be uptaken by the said Burgesses and Community in name of damages and expenses, and £100 sterling to the fabric of the Church of St Andrews, before the commencement of any plea. And he thereby submitted himself to the jurisdiction and compulsion of the Bishop of St Andrews, or his Official for the time being. The Charter is dated at Edinburgh 31st May 1398, and is registered as a Probative Writ in the Books of Session on 10th December 1731 48

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Liber Cartarum Sancte Crucis, pp. 126–128.

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[Each of the Burghs of Perth, Dundee, and Aberdeen granted similar obligations,—those of Perth and Dundee, dated 20th February, and that of Aberdeen dated 18th February 1423.]

Original Obligation in the Record Office, London.

XXIV. LETTER by KING JAMES THE FIRST, undertaking to indemnify these Burghs of the sum of 50,000 merks, for which they had become bound to the King of England. This letter is dated at Durham, 26th March, in the eighteenth year of the King's reign [1424] 61

Original Letter in the Archives of the City of Aberdeen.

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XXV. CHARTER by KING JAMES THE FIRST, under his Great Seal, whereby with consent of the Burgesses and Merchants of Edinburgh, and in augmentation of the fabric and reparation of the Port of Leith, he authorised certain tolls to be uplifted of all ships and boats entering therein. Dated at Dunfermline 31st December 1428 63

Inventory of Writs removed from the Charter House of the City of Edinburgh to the Town Clerk's Office in 1653.

XXVI. GRANT by Patrick, Abbot of Holyrood and his Convent, to their dear and well beloved brother of chapter, Sir Robert Logan of Restalrig, and his heirs, of the office of Bailie of the lands of Saint Leonards in Leith therein described, with the usual powers granted to a bailie of regality. Dated at their Abbey 27th March 1439 64

Original Grant in the Archives of the City.

XXVII. LETTERS PATENT by KING JAMES THE SECOND, under his Great Seal, whereby for the common good and public service, and also for the preservation and security of ships and goods coming into the Port of Leith, the want of repairing whereof had occasioned great damage through shipwreck, His Majesty, with consent of the Burgesses and Merchants of Edinburgh, granted during his pleasure the different taxes or customs therein specified on every ship entering the Port, for repairing and enlarging the same. Dated 25th September 1445 66

Original Letters Patent in the Archives of the City.

Inventory of Writs removed from the Charter House to the Town Clerk's Office in 1653, No. 95.

Inventory of City Charters, Vol. IV., p. 4.

XXVIII. GIFT by KING JAMES THE SECOND, under his Privy Seal, to the Burgesses and Community of the Burgh, of all right, property, and possession which he had to certain lands within the Burgh, which were in arrear of certain rents of the two years' finances of his predecessor. Dated at Edinburgh 8th September, in the eleventh year of the King's reign [1447] . . . 68

Original Gift in the Archives of the City.

XXIX. CHARTER by KING JAMES THE SECOND, under his Great Seal, in favour of the Provost, Bailies, Council, and Community of the Burgh, whereby with the advice of his Council, he granted that they should have and possess, in all time coming, in the Burgh and territory thereof, yearly on the morrow after the Feast of the Holy Trinity [the Sunday after Whitsunday], and for eight days immediately following, a public Fair, beginning from mid day of the said Feast, with the same privileges, prerogatives, liberties, and customs as the said Community and Burgh possessed with reference to their Fair on the Feast

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of All Saints [1st November], or were in use to possess the same of old, which Fair on the Feast of All Saints was nevertheless appointed to continue unaffected. Dated at Edinburgh 24th November, in the eleventh year of the King's reign [1447] 68

Original Charter in the Archives of the City.

XXX. CHARTER by KING JAMES THE SECOND, under his Great Seal, empowering the Provost and Community of the Burgh to fosse, bulwark, wall, tower, turret, and otherwise strengthen the Burgh in such manner as might seem most expedient to them. Dated at Stirling 30th April, in the thirteenth year of the King's reign [1450] 70

Inventory of City Charters, Vol. I., p. 23.
Guthrie's Inventory of City Charters, p. 24, No. 6.
Maitland's History of Edinburgh, p. 137.

XXXI. CHARTER by KING JAMES THE SECOND, under his Great Seal, whereby he granted to the Burgesses and Community of the Burgh the following privileges, viz. (1), that they should in all time thereafter be free from payment of the custom of salt, and of the skins of schorlings, skaldings, footfells, lentrinware, lamb skins, tod skins, calf skins, cunning skins, otter skins, and fumart skins, and (2) that they might sell or exchange as well to strangers and unfreemen as to others, as well within the kingdom as without, the foresaid wares of salt and skins without any custom being paid by the buyers, except the small custom in use to be paid by strangers and unfreemen to the Burgh. Dated at Stirling 9th November, in the fifteenth year of the King's reign [1451] 71

Original Charter in the Archives of the City.

XXXII. LETTERS PATENT by KING JAMES THE SECOND, under his Great Seal, whereby he made perpetual the several duties payable at the Port of Leith, specified in the Letters-Patent, dated 25th September 1445 [No. XXVII. *supra*], and empowered the same to be levied and uplifted by the Burgesses of Edinburgh and their successors and collectors in all times coming. Dated at Edinburgh 4th November, in the eighteenth year of the King's reign [1454] 74

Original Letters Patent in the Archives of the City.

XXXIII. LETTERS PATENT by KING JAMES THE SECOND, under his Great Seal and Sign Manual, in favour of the Burgesses, commanding his Great Chamberlain to cause the Court of Parliament of the Four Burghs of Scotland to be held yearly at Edinburgh in all time coming, in manner used and wont, and as had been ordained by King James the First of Scotland, with advice of the Three Estates of the Realm. Dated at Edinburgh 5th November, in the eighteenth year of the King's reign [1454] 76

Original Letters Patent in the Archives of the City.

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XXXIV. BOND by the Provost, Bailies, Council, and Community of Edinburgh, to William Prestoun of Goirtoun, son and heir to the then deceased William Prestoun of Goirtoun, whereby, on the narrative that the deceased had at great cost and trouble procured the arm bone of St Giles, and had left the same without condition to the Kirk of St Giles of Edinburgh, they undertook within six or seven years to build "an Ile furth of our Lady Ile," where the deceased was buried, with a monument and altar, &c.; that whensoever the relic should be borne, the nearest in blood to the deceased should bear it before all others; and that a chaplain should be appointed for five years to sing for him. Dated 11th January 1454–5 79

Original Bond in General Register House, compared with copy by Father Hay. Registrum Ecclesie Sancte Egidii, pp. 106, 107.

XXXV. INDENTURE between the Provost, Bailies, Council, and Community of Edinburgh on the one part, and Sir James Logan, Knight, and the inhabitants and indwellers of the Town of Leith upon the other part, for defending each other in their freedoms and privileges. Dated at Edinburgh 12th January 1454–5 80

Original Indenture in the Archives of the City.

XXXVI. CHARTER by KING JAMES THE SECOND, under his Great Seal, in favour of the Provost, Bailies, and Community of the Burgh of Edinburgh and their successors, of the valley and low ground lying betwixt the rock commonly called Cragingalt on the east, and the common way and passage towards Leith on the West (now known as Greenside), for performing thereon tournaments, sports, and other just warlike deeds, at the pleasure of the King and his successors. Dated at Edinburgh 13th August, in the twentieth year of the King's reign [1456] 82

Original Charter in the Archives of the City.

XXXVII. PROMULGATION by Andrew, Bishop of Glasgow, of the Bull of Pope Pius II., dated 23d October 1460, authorising the annexation of the Hospital of Soltray to the Collegiate Church and Hospital of the Holy Trinity. Promulgation made at Linlithgow on 6th March 1461–2 84

Transumpt in the Archives of the City.

XXXVIII. LETTERS by QUEEN MARY OF GUELDRES, Widow of King James the Second, under her Great Seal, dated at Perth 25th March 1462, whereby for the causes therein set forth, she craved James Kennedy, Archbishop of St Andrews, to confirm the founding and endowing of the Collegiate Church and Hospital of the Holy Trinity; with Ratification and Confirmation by the said

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Archbishop of the said foundation and endowment. Dated at St Andrews 1st April 1462 96

Sir Lewis Stewart's MS. Collections.
Charters of the Collegiate Churches of Midlothian, p. 63-71.

XXXIX*. BULL by POPE PIUS THE SECOND, addressed to Queen Mary of Gueldres, confirming the annexation of the Hospital of Soltray to the Collegiate Church and Hospital of the Holy Trinity of Edinburgh. Dated 14 Kal. Julii (18th June) 1462 110

Theiner, Vetera Monumenta Hibernorum et Scotorum, No. 818, p. 439.

XXXIX. BULL by POPE PIUS THE SECOND, reciting the foundation by Queen Mary of Gueldres of the Collegiate Church and Hospital of the Holy Trinity, Edinburgh, and confirming the annexation thereto of the Hospital of Soltray, and of the Chapel of Utherogall, in the County of Fife, upon the petition of the said Queen and her eldest son King James the Third. Dated 6 Idus Julii (10th July) 1462 110-6

Theiner, Vetera Monumenta Hibernorum et Scotorum, No. 821, p. 442.
Munimenta Britannica ex Autographis Romanorum Pontificum deprompta, vol. xxxiv., p. 266 (MS. British Museum, addit. MSS. 15,351 and 15,400 Plut.).

XL. BULL by POPE PIUS THE SECOND, granting a plenary indulgence to all who in a devout spirit of contrition visit the Church of Trinity College, Edinburgh, in the course of five years during the feast of its dedication on the 10th of July, or the following week, called its Octaves, and the period was to be farther extended every five years until fifty years had expired. One third of the offerings of each person during the Octaves was reserved for the Papal treasury, to assist in carrying on war with the infidels; the other two-thirds were to be applied towards completing the building of the Church itself. Dated 6 Kal. Septembris (27th August) 1463 115

Munimenta Britannica ex Autographis Romanorum Pontificum deprompta, vol. xxxiv., p. 266 (MS. British Museum, addit. MSS. 15,351 and 15,400 Plut.).
Charters of the Collegiate Churches of Midlothian, p. cv.

XLI. CHARTER by KING HENRY THE SIXTH of England, whereby on the narrative that he and his royal Consort Margaret, and his son Edward, Prince of Wales, with divers of his nobility having been expelled his kingdom of England by certain rebellious traitors, had on his arrival and during his long residence in Edinburgh been honourably received and with great humanity, and had been favourably entertained by the Provost and Community of Edinburgh, therefore he granted to the said Community and their successors full and free liberty to traffic in England as the natives thereof, and to pay no

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other duties for their merchandise than his subjects the citizens of London did. Dated 2d January, in the forty-first year of his reign [1463–4] . 119

Maitland's History of Edinburgh, p. 8, referring to the Charter as in the Archives of the City.

Arnot's History of Edinburgh, pp. 11, 12.

XLII. CHARTER by KING JAMES THE THIRD, under his Great Seal, consenting, at the request of the Provost, Bailies, Council, Burgesses, and Community of the Burgh, to the erection of St Giles into a Collegiate Church. Dated at Stirling 21st October, in the seventh year of the King's reign [1466] 120

MS. Registrum Magni Sigilli, Book VII., No. 90.

XLIII. BULL by POPE PAUL II., granting on the petition of the Provost, Bailies, Councillors, and Community of Edinburgh, commission to the Bishop of Galloway and the Abbot of Holyrood, to erect the Church of St Giles into a Collegiate Church. Dated at Rome 8 Kal. March (22d February) 1467 . 121

Theiner, Vetera Monumenta Hibernorum et Scotorum, p. 455.

XLIV. ACT of PARLIAMENT of KING JAMES THE THIRD, enacting that there shall be but two Sessions, one at Edinburgh, and another at Perth. This Act forms chap. IV. of the Acts passed at Edinburgh in 1468 . . 127

Acts of the Parliaments of Scotland, vol. II., p. 92.

XLV. BULL by POPE PAUL II., exempting, on the petition of the King and of the Provost, Bailies, and Community of Edinburgh, the Collegiate Church of St Giles, with its Clergy, from the jurisdiction of the Bishop of St Andrews, and subjecting the same directly to the Holy See, dated at Rome 1 Kal. May (30th April) 1470 128

Theiner, Vetera Monumenta Hibernorum et Scotorum, p. 463.

XLVI. GIFT by KING JAMES THE THIRD, under his Privy Seal, whereby with advice and consent of his Council, for the repairing of the Port and Haven of Leith, and upholding the same, he granted to the Provost, Bailies, and Community of Edinburgh the customs and duties therein specified, to be raised and used by them and their successors in time coming. Dated at Edinburgh 16th November, in the twelfth year of the King's reign [1471] 133

Original Gift in the Archives of the City.

XLVII. LETTER by KING JAMES THE THIRD, under his Privy Seal, setting forth that he had, for the common profit, and for the zeal and love he had to the Burgesses and Community, empowered them to fosse, bulwark, wall, tower and turret the Burgh for the keeping and defence thereof, in case their old enemies of England addressed them to invade the same; and therefore

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charging the whole burgesses, neighbours, and indwellers in the town, and also those who had lands, annuals, or possessions within it (non-resident as well as resident) to contribute to the fortifying of the town according to the value of their rents, lands, possessions, annuals and goods within the burgh, and at the command of the Council and Community. The Sheriff and his deputies of Edinburgh, the Provost and Bailies of the same, were also required to compel and distrain those who refused compliance, and to cast down and remove all houses built upon the walls, in so far as might be necessary for strengthening the town and its defences. Further, all persons having tenements of land in the burgh were charged to strengthen and fortify their head rooms in good and sure way, as might seem most expedient to the provost and council. All persons leaving the town with a view to evade liability for the burdens thus imposed on them were to lose the freedom thereof for themselves and their heirs, and their goods were to be arrested in payment of their proportion of the tax imposed upon them. Dated at Stirling 28th April, in the thirteenth year of the King's reign [1472] 134

Original Charter in the Archives of the City.

XLVIII. CHARTER of CONFIRMATION and MORTIFICATION by KING JAMES THE THIRD, under his Great Seal, whereby he ratified, approved and confirmed, as also mortified the several donations and concessions therein specified, granted to the brethren of the order of the Blackfriars and their Church in Edinburgh any time bygone. As also the King confirmed and mortified the Foundation of the said Church and situation thereof, with the houses, &c., pertaining to the said Church, and generally all other donations and concessions of lands, tenements, annual rents and alms made and granted to the said Friars and their Church in any time bygone. Dated at Edinburgh 14th May, in the thirteenth year of the King's reign [1473] 136

Original Charter in the Archives of the City.

XLIX. LETTER by KING JAMES THE THIRD, under his Privy Seal, ratifying certain Statutes made by the Provost, Bailies, and Council in obedience to the King's special charge, whereby, for the honour profit and benefit of the Burgh and plenishing of void places therein, the markets of the burgh to be held in time coming within the same, upon the market days fair days and all other days needful, were appointed to be held and set as therein prescribed. By the said Letter his Majesty further charged his lieges and subjects, and specially the community and inhabitants of the Burgh, to observe and keep the said statutes, and to obey the Provost and Bailies in the settling and holding of the said markets. Dated at Edinburgh 3d October, in the eighteenth year of the King's reign [1477] 140

Original Letter in the Archives of the City

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L. CHARTER by Mr WILLIAM FORBES, Provost of the Collegiate Church of Saint Giles, with consent of the Chapter thereof, whereby on the narrative that his parishioners had so greatly increased that when they died they could have no burying-place either within or without the Church in his parish, therefore he gave and granted to the Church a part of his yard lying contigue to his manse beside the said church on the south part thereof, to be held in pure alms. The charter is dated at Edinburgh 14th January 1477–8 . 142

Original Charter in the Archives of the City.

LI. OBLIGATION by the Provost and the whole fellowship of the Merchants, Burgesses, and Community of the Town of Edinburgh, to repay to King Edward the Fourth of England, the sum which had been advanced by him on account of the dowry of the Lady Cicely his daughter, provided he should think it expedient to draw back from the proposed marriage between the Princess and the Prince James, eldest son and heir apparent of the King of Scotland. Dated at Edinburgh 4th August 1482 146

Original Obligation in the Record Office, London.

LII. INSTRUMENT upon the production of the foresaid Obligation to the Community of Edinburgh, by Garter King of Arms, as ambassador of the King of England. Dated at Edinburgh 27th October 1482 148

Original Instrument in the Record Office, London.

LIII. BOND OF RELIEF by Andrew [Stewart] Elect confirmed of Moray, John Earl of Athol, James Earl of Buchan, Mr James Lindsay Dean of Glasgow, John the Ross of Halket, Knight, and John Stuart of Craigiehall, to the Provost, Bailies, Council, Merchants, and Community of Edinburgh, whereby, on the narrative that the Burgh had constituted procurators to appear in the banks of Rome, Venice, Florence, Bruges, or others following the Court of Rome, and there or any other place needful, or amongst whatsoever Merchants, Scots, French, or Flemings, to bind them in the sum of 6000 Ducats of Gold of the Exchequer (de Camera), in case of the promotion of the said Bishop to the Arch-Bishopric of St Andrews, or to any other benefice dignity or privilege; the said Bishop and other parties to the bond engaged to free and relieve the said Provost, Bailies, and Community of the payment of the said sum or any part thereof, and of any costs, damages, and expenses which they might incur in connection therewith. Dated at Edinburgh 8th November 1482 154

Original Bond in the Archives of the City.

LIV. CHARTER by KING JAMES THE THIRD, under his Great Seal, whereby, in consideration of the faith, loyalty, love, good-will and cordial service which

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the office-bearers of the Burgh of Edinburgh, the Provost, Bailies, Dean of Guild, Treasurer, Common Clerk, Councillors and the whole Community of the said Burgh had rendered to the King, with his brother Alexander Duke of Albany, at the peril of their lives, by freeing the King from prison in the Castle of Edinburgh, and of the singular love he had towards the said Provost, Bailies, Clerk, Councillors and Community, and for their free labours and services done and performed to the King, His Majesty gave granted and perpetually confirmed to the said Provost, Bailies, Clerk, Council, and Community, and their successors, the office of Sheriff within the Burgh for ever, to be exercised by the Provost for the time as Sheriff, and by the Bailies for the time as Sheriffs-depute conjunctly and severally, with full power to hold Courts, to punish transgressors not only by banishment but by death, to appoint officers of Court, and to do everything else appertaining to the office of Sheriff; as also to apply to their own proper use the fines and escheats arising out of the exercise of the said office, in respect of which they were taken bound to cause a funeral mass to be celebrated in the Collegiate Church of St Giles on the 3d and 4th days of August annually, for the weal of the souls of the King and his predecessors and successors. And in respect that the process of the four Courts of the said burgh was tedious and slow, the said Provost, Bailies, &c., were empowered to appoint and hold a peremptory Court of twenty-one days whensoever necessity required. Farther, the King empowered the said Provost, Bailies, &c., in all time coming, to frame make and ordain statutes and acts within the said burgh for the good government and common weal thereof, and to punish the breakers thereof at their discretion. Dated at Edinburgh 16th November, in the twenty-third year of the King's reign [1482] 157

Original Charter in the Archives of the City.

LV. CHARTER by KING JAMES THE THIRD, under his Great Seal, whereby, on the same narrative as that in the immediately preceding Charter [No. LIV.] he gave, granted, renewed and confirmed to the said Provost, Bailies, Dean of Guild, Treasurer, Common Clerk, Councillors and Community, and their successors, the customs and moneys arising from the Port of Leith, therein specially enumerated, and all other exactions commodities and rents as well from the said Port as from the road of Leith and from the Burgh of Edinburgh, with the whole customs and privileges which they and their predecessors had before, and of which they were then in the peaceable possession and enjoyment. Dated at Edinburgh 16th November, in the twenty-third year of the King's reign [1482] 165

Original Charter in the Archives of the City.

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LVI. RATIFICATION and CONFIRMATION by KING JAMES THE FOURTH, under the Great Seal, of an Act or Decreet of the Lords of Council, dated 25th October 1493, upon a complaint by the Provost, Bailies, Council, and Community of the Burgh of Edinburgh against David White and several other persons, residenters in Leith, in respect of their not having paid for two years bypast the anchorage customs and duties of their ships, and divers other goods which they should have entered, conform to the Town's infeftment, whereby they had incurred the penalty therein specified, viz.—escheat of one half of the goods unentered to the crown, and the other half to the town. The Ratification is dated at Edinburgh 28th October, in the sixth year of the King's reign [1493] 172

Original Ratification in the Archives of the City.

LVII. CHARTER granted by MR WILLIAM FORBES, Provost of the Collegiate Church of St Giles, with consent of the Chapter thereof, whereby he gave to the Provost, Bailies, Council, and Community of the Burgh, parishioners of the said Church, the north part of his mansion and glebe lying next to the said Kirk, by the land and chamber of the Curate and the school below, with all their bounds and limits, extending from the said Church to the north gavel of the house called the stable, and thence directly westward to the lands of Alexander Gray and William Begholm, and that in augmentation of the Church-yard of the said Church, and burying-place of the parishioners thereof, to be held in pure alms, for which the Council were to build a new convenient chamber for the curate, and a school below the same, as also to build a privy in the house commonly called the gallery, in a suitable place. Dated at Edinburgh 30th July 1496 174

Original Charter in the Archives of the City.

LVIII. TRANSUMPT of CHARTER by JAMES ARCHBISHOP of ST ANDREWS, whereby with advice of the Prior and Chapter of St Andrews, he annexed the Church of Dunnottar to the Collegiate Church of the Holy Trinity, for the support of two prebendaries to officiate in the said Collegiate Church, with the title of Dean of the said Church and Prebendary of Dunnottar respectively. Charter dated Edinburgh 14th November 1502. Transumpt dated St Andrews 21st March 1525 178

Original Transumpt in the Archives of the City.

LIX. LETTERS by KING JAMES THE FOURTH, under his signet, with the advice of the Lords of his Council, granting permission to the merchants, inhabitants, and indwellers of Edinburgh and their servants to pass to Innerwicknes, or any other parts thereabout, for recovering their goods and merchandise

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in the ship called "The Little Martin," lately stranded and broken there; and if they had communication with the King's rebels in passing, remaining, or returning, no crime should be imputed to them in consequence. Dated at Edinburgh 24th November, in the sixteenth year of the King's reign [1504] 188

Original Letters in the Archives of the City.

LX. LETTERS by KING JAMES THE FOURTH, under his Signet, addressed to the customers of the Burgh of Edinburgh, directing proclamation to be made at the market cross of the Burgh, prohibiting (1) the packing and peilling of goods or merchandise in Leith or Canongate, or the shipment of such goods until the same were seen and customed, and the customs thereof paid; (2) the sale of goods and merchandise imported into Leith by strangers until the same had been entered, and the duties applicable thereto had been paid to the town; (3) the export of goods or merchandise until the same had paid the customs exigible therefor, and until the shippers had received the cocquet thereof; (4) the sale to strangers in Leith of cloth, hides, wool or other customable merchandise, but that the same be sold in Edinburgh and not exported secretly. All under pain of escheat of the goods. Dated at Edinburgh 10th May, in the eighteenth year of the King's reign [1506] . . 189

Council Records of Edinburgh, vol. I., fol. 24.

LXI. LETTER of GIFT by KING JAMES THE FOURTH, under his Privy Seal and Sign Manual, whereby on the narrative that All Hallow Fair had been in time bygone proclaimed on All Hallow even, and then began, and so continued for eight days following, occasioning violation of the holydays that happened within the same, such as All Hallow day, Saul Mass day, and the feast of the dedication of St Giles Kirk, which fell yearly on 3d November, and also another fair held yearly at Trinity Sunday, His Majesty, for eschewing thereof, and for observing and keeping the festival and holydays in time coming, to the honour and love of God and all Saints, and for the common profit of the Burgh and inhabitants thereof, granted and perpetually confirmed to the Burgh, and to the Provost, Bailies, and Community thereof, his Sheriffs within the same their free and public Fairs to be held annually, within the bounds of the Burgh, the said All Hallow Fair on 4th November, and for eight or fifteen days thereafter, and the said Trinity Fair on the Monday next after Trinity Sunday, and for eight days thereafter, with all and sundry customs, tolls, fees, privileges, freedoms, profits and duties, used and wont thereof, both to the Sheriff within the Burgh and freedom thereof, and to the Bailies and other officers of the same, sicklike and as freely as they and their predecessors had enjoyed the same, and as freely as any other free Fairs were granted and holden by any other persons at any other town or place

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within the realm. And all and sundry His Majesty's officers, lieges and subjects were charged and required to answer and obey the Sheriffs, Provost, Bailies, and Officers of the said Burgh, in the peaceable holding and enjoying of the said public and free Fairs, under the highest pain. Dated at Edinburgh 2d November, in the twentieth year of the King's reign (1507) . . 191

Original Letters in the Archives of the City.

LXII. CHARTER by KING JAMES THE FOURTH, under his Great Seal, in favour of the Provost, Bailies, and Council of the Burgh of Edinburgh, whereby he gave them full power to set or feu the common mure and common myre to any person whom they might think expedient for augmenting their common good, provided that the person to whom the said lands might be so set were subject to the jurisdiction of the Burgh; and also granted the said lands for the building of houses, and the making of policies thereupon, provided they were noways prejudicial to the town of Edinburgh. Dated at Edinburgh 6th October 1508 193

MS. Registrum Magni Sigilli, Lib. xvi., No. 56.

LXIII. CHARTER of CONFIRMATION by KING JAMES THE FOURTH, under his Great Seal, whereby His Majesty, with the advice and deliberation of the Lords of his Council, for the love and favour which he had to the Provost, Bailies, Council, Burgesses and Community of the Burgh of Edinburgh, and for their good, faithful and free service daily done to him, and for certain other thankful and reasonable considerations, ratified, approved, and perpetually confirmed to the said Provost, Bailies, &c., for the time being and their successors; (1) Charter by Sir Robert Logan of Restalrig, dated 31st May 1398 [No. XX.]; (2) Charter by King James the Third of the Sheriffship, dated 16th November 1482 [No. LIV.]; and (3) Charter by King James the Third of the Customs, &c., of Leith, dated 16th November 1482 [No. LV.] with the infeftments therein contained. Dated at Stirling 9th March, in the twenty-third year of the King's reign [1510] 196

Original Charter in the Archives of the City.

LXIV. CHARTER by KING JAMES THE FOURTH, under his Great Seal, whereby he granted to the Provost, Bailies, Council, and Community of the Burgh of Edinburgh for the time, and to their successors, the lands and harbour of Newhaven lying and bounded as therein contained, with the haven silver, other profits and duties appertaining thereto, with all and sundry liberties and immunities therein contained. Dated at Stirling 9th March, in the twenty-third year of the King's reign [1510] 199

MS. Registrum Magni Sigilli, Lib. xvi., No. 58.

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LXV. BOND of MAINTENANCE by James Earl of Arran, Lord Hamilton, one of the Regents of the Kingdom, Lieutenant of the Mers and Lothian, and Warden of the East Marches, whereby he bound and obliged himself and his kin friends and servants to the Provost, Bailies, Council, and Community of Edinburgh for amity and concord to be had between them for ever, that the said Earl should defend the said Provost, &c., and take their part in all just and lawful actions against whomsoever should unjustly invade them, and that the said Provost, &c., should be harmless and skaithless of the said Earl and his friends of deadly harm or otherways according to law. Dated at Edinburgh 20th January 1520 204

Original Bond in the Archives of the City.

LXVI. REMISSION granted by KING JAMES THE FIFTH, under his Great Seal, to the Provost, Bailies, and whole Community of the Burgh of Edinburgh, and to every one of them then actually dwelling within the Burgh, of all rancour of mind and action toward them for their treasonable insurrection against the deceased John Lord Fleming, High Chamberlain, when sitting in judgment within the Tolbooth of the Burgh, in the execution of his office, and also for their treasonable uprising and convocation against the Lord Chancellor and Lords of Council, and resisting James Earl of Arran, Lord Hamilton, from entering the Burgh, and beating him back from the Netherbow, he being at the time His Majesty's Lord Lieutenant and Provost of the Burgh; and for all other crimes and offences committed by them or any of them against the King's person, murder, burning, and common theft excepted. Dated at Edinburgh 22d May, in the fourteenth year of the King's reign [1527] . . 205

Original Remission in the Archives of the City.

LXVII. LETTER by KING JAMES THE FIFTH to POPE CLEMENT THE SEVENTH, praying his Holiness to grant indulgences to those who should visit the Church of Trinity College, Edinburgh, and aid in the completion of the building. Dated at Stirling 22d March 1531 209

Theiner, Vetera Monumenta Hibernorum et Scotorum, No. 1025, p. 397.

LXVIII. DECREE of the Lords of Council and Session, finding that the Provost and Bailies of the Burgh of Edinburgh were judges competent to certain inhabitants on the north side of Leith, in an action pursued at the instance of the Treasurer of the Burgh against the said inhabitants for their petty customs, notwithstanding it was alleged that they dwelt within the regality of the Abbey of Holyrood, and that the Provost and Bailies were suspected judges, being both judges and parties. Dated 17th February 1540 210

Acta Dominorum Concilii et Sessionis, vol. 14, fol. 179.

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LXIX. DECREE of the Lords of Articles, Council, and Session, against Thomas Richardsoun in Leith, finding that the Burgh of Edinburgh had just right to the anchorage and small customs of all ships and boats within all parts of the haven of Leith, on the north side as well as on the south side of the Bridge, notwithstanding that the north side was situated within the regality of the Abbey of Holyrood. Dated 17th February 1540 . . . 211

Acta Dominorum Concilii et Sessionis, vol. 14, fol. 181.

ADDENDUM.

LXX. LETTER of the Alderman, Bailies, and Council of the Burgh of Edinburgh, to King James the First. Edinburgh, 20th September [1423 ?] . . 213

Original Letter in the General Register House, Edinburgh.

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PREFACE.

PREFACE.

THE following collection of Charters and other Documents relating to the City of Edinburgh was prepared and printed under the authority of the Lord Provost, Magistrates, and Town Council, who have courteously permitted the Scottish Burgh Records Society to print copies for the use of its members.

When the publication of the Charters of the City—of which this is the first instalment—is completed, and the second volume of Extracts from the Records of the Burgh is issued, all the more important historical materials in the archives of the City, illustrative of the chartered rights and civic administration of the Scottish Capital during the period over which these collections may extend, will have been made accessible to the public. In no view, indeed, can the fragments that remain of the burghal legislation of Edinburgh, before the middle of the sixteenth century, bear comparison with the complete and well preserved series of the Council Records of Aberdeen previous to that time. But the superiority of the early municipal records of the latter burgh,—exempted as they were from many of the

dangers to which those of the old towns south of the Forth were exposed, will probably not be found to extend to the records immediately previous to the Reformation, and subsequent to that event; and there can be little doubt that the importance which is attached to the later municipal records of Aberdeen, as compared with those of Edinburgh, arises from the fact that the explorations of Kennedy, Robertson, and Stuart have made them better known. So early as the middle of the fourteenth century, however, Edinburgh was regarded as the principal city of the realm. It was the seat of the Royal Court, of the Legislature, and of the Supreme Courts of Justice, and it has been the scene of many of the most stirring incidents of Scottish history since the reign of King James the First. No other burgh in Scotland occupied a position at all comparable with Edinburgh in importance or interest. It was the centre of national administration in its various departments, with all the advantages and disadvantages which that implied in times of misrule and violence. Privy Councils, Conventions of the Estates and Parliaments, Ecclesiastical Councils, General Assemblies and Conventions of the Kirk, and General and Special Conventions of the Burghs, held their usual meetings in the Capital, and there transacted the business of the nation. Sovereigns and courtiers with their retinues, ambassadors with their attendants, barons and their retainers, ecclesiastics of every grade, traders and mariners from other burghs and from foreign countries, and not unfrequently foreign auxiliary troops, crowded its streets, and gave life and variety to its society, while the presence of such heterogeneous and often hostile elements added

to the cares of the magistrates, and made the preservation of the peace a matter of well-founded solicitude. The varied interests thus represented, and many of the great social, political, and religious changes through which Scotland passed during the three hundred years preceding the Union, are reflected in the civic administration, the records of which, accordingly, possess a national importance. Sometimes even those portions which seem least interesting are not the least valuable to the local historian, as throwing light upon customs and institutions the origin of which is now obscure. It is much to be desired that some competent person would write a history of Edinburgh, embodying the results of a careful investigation of original materials of which neither Maitland nor Arnot has availed himself. For the preparation of such a work, the present volume, with the first volume of Extracts from the Council Records already published, and the second volume which is passing through the press, may afford some facilities. In the meantime, it is hoped the following pages may be useful to those who take an interest in the early history of the City and its institutions, and are charged with the management of its affairs.

The Table of Contents contains an Abstract of the various Charters and other Documents printed in this volume, with a reference to the source from which each has been taken.

J. D. MARWICK.

10 Bellevue Crescent,
Edinburgh, 11*th November* 1870.

CHARTERS AND OTHER DOCUMENTS

RELATING TO

THE CITY OF EDINBURGH.

CHARTERS, &c., RELATING TO THE CITY OF EDINBURGH.

I.

CHARTER by King David the First to the Abbey of the Holy Rood of Edinburgh. *Circa* A.D. 1143–47.

IN nomine Domini nostri Jhesu Christi, et in honore Sancte Crucis; et Sancte Marie uirginis, omniumque Sanctorum, Ego Dauid Dei gratia Rex Scottorum, regali auctoritate, assensu Henrici filii mei et Episcoporum regni mei; Comitum quoque Baronumque confirmatione et testimonio, clero etiam acquiescente et populo, diuino instinctu, omnia subscripta concedo Ecclesie Sancte Crucis Edwinesburgensi, et pace perpetua confirmo. Hec itaque sunt que Ecclesie prefate, et Canonicis

IN the name of our Lord Jesus Christ, and in honour of the Holy Rood, and of Saint Mary the Virgin, and of all Saints, I David, by the grace of God king of Scots, of my royal authority, with the assent of Henry my son and the Bishops of my kingdom, and with the confirmation and testimony of the Earls and Barons, the Clergy and the People also assenting, of divine prompting, grant all the things under written to the Church of the Holy Rood of Edinburgh, and in perpetual peace confirm them. These therefore are what we grant to the

regularibus in eadem Deo seruientibus, in liberam et perpetuam elemosinam concedimus. Ecclesiam scilicet castelli cum omnibus appendiciis et rectitudinibus suis. Et examen duellii, aque, et ferri calidi, quantum ad ecclesiasticam dignitatem pertinet; et cum Salectuna per suas rectas diuisas; et Ecclesiam Sancti Cvthberti, cum parochia et omnibus rebus que eidem Ecclesie pertinent; et cum Kyrchetune per rectas diuisas suas; et cum terra in qua ipsa Ecclesia sita est; et cum alia terra que sub Castello iacet, uidelicet a fonte qui oritur iuxta angulum gardini mei per uiam qua itur ad Ecclesiam Sancti Cvthberti, et ex alia parte sub Castello, usque quo perucnitur ad unam craggam que est sub eodem Castello uersus orientem; et cum duabus capellis que ad eandem Ecclesiam Sancti Cuthberti pertinent, scilicet Crostorfin cum duabis bouatis terre et sex acris, et illa capella de Libertune cum duabis bouatis terre, et cum omnibus decimis et rectitudinibus tam de uiuis quam de mortuis de Legbernard, quas Macbetber eidem Ecclesie dedit, et ego concessi; et Ecclesiam de Hereth, cum terra que ad eandem Ecclesiam pertinet, et cum tota terra quam ego ei aumentaui et dedi, sicut ministri mei et probi homines perambulauerunt et tradiderunt Alwino Abbati, cum una

aforesaid Church and to the Canons regular serving God therein in free and perpetual alms. To wit, the Church of the Castle with all its appendages and rights, And the trial of battle, water, and hot iron, as far as belongs to ecclesiastical dignity; and with Salectun by its right marches; and the Church of Saint Cuthbert, with the parish and all things that pertain to that church; and with Kyrchetun by its right marches, and with the land in which that Church is situate; and with the other land that lies under the Castle, to wit, from the spring that rises near the corner of my garden, by the road that leads to the Church of Saint Cuthbert, and on the other side under the Castle until you come to a crag which is under the same Castle towards the east: and with the two chapels which pertain to the same Church of Saint Cuthbert, to wit Crostorfin with two oxgates and six acres of land, and that Chapel of Libertun with two oxgates of land, and with all the tithes and rights, as well of the living as of the dead, of Legbernard, which Macbetber gave to that Church, and which I have granted; and the Church of Hereth with the land that belongs to that Church, and with all the land that I have added and given to it, as my servants and good men walked its bounds and gave it over to Alwin the Abbot, with one salt-work in

salina in Hereth, et xxvi acris terre. Quam Ecclesiam et terram prenominatam uolo ut Canonici Sancte Crucis teneant et possideant in perpetuum libere et quiete, et prohibeo firmiter ne aliquis Canonicos siue homines eorum qui in eadem terra manent iniuste grauent aut disturbent, neque aliquas operationes siue auxilia siue consuetudines seculares iniuste ab eis exigant. Volo etiam ut idem Canonici habeant libertatem molendini faciendi in eadem terra, et ut habeant in Hereth omnes consuetudines illas et rectitudines et aeisamenta, uidelicet in aquis, in piscationibus, in pratis, in pascuis, et in omnibus aliis necessariis rebus, sicut melius habuerunt die illa qua illam habui in meo dominio; et Broctunam cum suis rectis diuisis; et Inuerlet illam que uicinior est portui cum rectis diuisis suis, et cum ipso portu, et cum medietate piscationis, et cum tota decima totius piscationis qui ad Æcclesiam Sancti Cuthberti pertinet; et Petendreiam cum suis rectis diuisis; et Hamere et Fordam cum suis rectis diuisis; et Hospitale cum una carucata terre; Et quadraginta solidos de meo Burgo de Ewinesburg singulis annis; et redditum centum solidorum singulis annis ad indumenta Canonicorum de cano meo de Pert: et hoc de primis nauibus que negotiationis causa

Hereth, and twenty-six acres of land. Which Church and land aforenamed, I will that the Canons of the Holy Cross hold and possess for ever freely and quietly; and I strictly forbid that any one unjustly oppress or trouble the Canons or their men who live in that land, or unjustly exact from them any works or aids, or secular customs. I will moreover that the same Canons have liberty of making a mill in that land, and that they have in Hereth all those customs and rights and easements, to wit in waters, in fishings, in meadows, in pastures, and in all other necessary things, as they best held them on the day in which I had it in my domain; and Broctun with its right marches; and that Inverlet, which is nearest the harbour, with its right marches, and with that harbour, and with the half of the fishing, and with a whole tithe of all the fishing which belongs to the Church of Saint Cuthbert; and Petendrei, with its right marches; and Hamere and Ford, with their right marches; and the Hospital, with one plough of land; and forty shillings from my Burgh of Edinburgh yearly; and a rent of a hundred shillings yearly to the clothing of the Canons, from my cane of Perth, and this from the first ships that come to Perth for the sake of trade; and if it happen that they do not come, I grant to the aforesaid Church, from my rent of

ueniunt ad Pert; et si forte non uenerint, concedo prefate Ecclesie, de meo redditu de Edwinesburg quadraginta solidos, et de Striueline uiginti solidos, et de Pert quadraginta solidos; et unum toftum in Striueline, et tractum unius retis ad piscandum; et unum toftum in Burgo meo de Edwinesburg liberum et quietum ab omni consuetudine et exactione; et unum toftum in Berewic, et tractum duorum retium in Scypwel; et unum toftum in Reinfry quinque perticarum, et tractum unius retis ad salmones, et ibi piscari ad allechtia libere. Et prohibeo ne aliquis inde a uobis siue ab hominibus uestris aliquas consuetudines exigat. Concedo etiam prefatis Canonicis de Camera mea singulis annis decem libras ad luminaria Ecclesie, et ad operationes eiusdem Ecclesie, et ad reparationem earundem operationum inperpetuum. Precipio etiam omnibus ministris meis et forestariis de Striuelin sire, et de Clacmanant quod Abbas et Conuentus habeant liberam potestatem in omnibus nemoribus meis et forestis, capiendi tantum de materia quantum eis placuerit et uoluerint ad edificationem Ecclesie sue et domorum suorum, et ad quelibet negotia sua facienda. Et precipio quod homines eorum qui ad eorum negotia in eisdem nemoribus materiem capiunt meam firmam pacem habeant, et ita quod non permittatis quod in aliquo disturbentur; Et porcos dominios supradicte Ecclesie

Edinburgh forty shillings, and from Stirling twenty shillings, and from Perth forty shillings; And one toft in Stirling, and the draught of one net for fishing; And one toft in my Burgh of Edinburgh free and quit of all custom and exaction, And one toft in Berwick, and the draught of two nets in Scypwell; and one toft in Renfrew of five perches, and the draught of one net for salmon, and to fish there for herrings freely; And I forbid that any one exact from you or from your men any customs therefor. I grant moreover to the aforesaid Canons from my Exchequer yearly, ten pounds for the lights of the Church, and for the works of that Church and to repairing these works for ever. I charge, moreover, all my servants and foresters of Stirlingshire and of Clacmanan, that the Abbot and Convent have free power in all my woods and forests, of taking as much timber as they please and wish for the building of their church and of their houses, and for any purpose of theirs. And I enjoin that their men who take timber for their use in the said woods, have my firm peace, and so that ye do not permit them to be disturbed in any way; and the swine the property of the aforesaid Church, I grant in all my woods to be quit of pannage. I

in omnibus nemoribus meis concedo esse quietos de padnagio. Concedo etiam prefatis Canonicis medietatem sepii, et uncti, et coriorum de occisa de Edwinesburg; et decimam de omnibus cetis et marinis beluis que mihi eueniunt ab Avin usque ad Colbrandespade; et decimam omnium placitorum meorum et lucrorum ab Avin usque ad Colbrandespade; et medietatem mee decime de meo cano, et de meis placitis et lucris de Kentyr et de Errogeil; et omnes pelles arietinas, et ouinas, et agninas de Castello, et de Linliteu, que moriuntur de meo dominio; et octo cheldras de brasio, et octo de farina, et triginta carratas de busche de Libertune; et unum de meis molendinis de Dene, et decimam molendini de Libertune, et de Dene, et noui molendini de Edwinesburg, et Craggenemarf, quantum inde habeo in meo dominio, et quantum Vuieth Albus eis de eodem craggo in elemosinam dedit. Concedo etiam eis herbergare quoddam burgum inter eandem Ecclesiam et meum burgum; et concedo ut burgenses eorum habeant communionem uendendi res suas uenales, et emendi in foro meo libere et absque calumpnia et consuetudine sicut mei proprii burgenses. Et prohibeo ne aliquis in burgo eorum panem uel ceruisiam aut pannum aut aliquid uenale capiat per uim aut sine uoluntate burgensium. Concédo etiam Canonicos esse quietos de

grant moreover to the aforesaid Canons the half of the fat, tallow and hides of the slaughter of Edinburgh, and a tithe of all the whales and sea beasts which fall to me from Avin even to Colbrandespade; And a tithe of all my pleas and gains from Avin even to Colbrandespade; And the half of my tithe of my cane, and of my pleas and gains of Cantyre and Argyll; And all the skins of rams, ewes, and lambs of the Castle and of Linliteu which die of my flock: And eight chalders of malt, and eight of meal, and thirty cart loads from the bush of Libertun; and one of my mills of Dene, and a tithe of the mill of Libertun and of Dene, and of the new mill of Edinburgh, and of Craggenemarf, as much as I have for the same in my domain, and as much as Vuieth the White gave them in alms of the same Crag. I grant likewise to them leave to establish a burgh between that church and my Burgh; and I grant that their burgesses have common right of selling their wares, and of buying, in my market freely and quit of claim and custom in like manner as my own burgesses; And I forbid that any one take in their burgh, bread, or ale, or cloth, or any ware by force, or without the consent of the burgesses. I grant moreover that the Canons be quit of toll and

theloneo et de omni consuetudine in omnibus burgis meis et per totam terram meam, scilicet de omnibus rebus quas ement et uendent. Et prohibeo ne aliquis capiat pandum super terram Sancte Crucis, nisi Abbas eiusdem loci rectum et ius facere recusauerit. Volo autem ut omnia prescripta ita liberaliter et quiete teneant sicut ego meas proprias terras possideo; et uolo ut Abbas curiam suam ita libere et plenarie et honorifice habeat sicut Episcopus Sancti Andree et Abbas de Dvnfermelin, et Abbas de Kelcov curias suas habent. His testibus: Rodberto Episcopo Sancti Andree, Johanne Episcopo Glasgvensi, Henrico filio meo, Willelmo nepote meo, Eadwardo cancellario, Hereberto camerario, Gillemichael comite, Gospatricio fratre Dolfini, Rodberto de Monte Acuto, Rodberto de Burneuile, Petro de Brvs, Normanno uicecomite, Oggu, Leising, Gillise, Willelmo de Graham, Turstano de Crectune, Bleino archidiacono, Aelfrico capellano, Waleranno capellano.

of all custom in all my burghs, and throughout all my land, to wit, of all things that they buy and sell. And I forbid that any one take pledge on the land of the Holy Rood, unless the Abbot of that place shall have refused to do right and justice. I will moreover that they hold all that is above written, as freely and quietly as I hold my own lands; and I will that the Abbot hold his court as freely, fully, and honourably, as the Bishop of Saint Andrews, and the Abbot of Dunfermline, and the Abbot of Kelso hold their courts. Witnesses, Robert Bishop of Saint Andrews, John Bishop of Glasgow, Henry my son, William my grandson, Edward the Chancellor, Herbert the Chamberlain, Gillemichael the Earl, Gospatrick the brother of Dolfin, Robert of Montague, Robert of Burnevile, Peter of Brus, Norman the Sheriff, Oggu, Leising, Gillise, William of Graham, Turstan of Crectun, Blein the Archdeacon, Aelfric the Chaplain, Waleran the Chaplain.

II.

CHARTER OF CONFIRMATION by King William the Lion, under his Great Seal to the Abbey of Holy Rood, of all their possessions. *Circa* 1171-1177.

WILLELMUS Dei gratia Rex Scottorum episcopis abbatibus comitibus justiciis uicecomitibus ministris et omnibus probis hominibus totius regni sui Francis Anglis Scottis Galuuensis tam futuris quam presentibus, salutem: Ex officio suscepte a Deo regni administrationis incumbit nobis non solum ecclesias et ecclesiasticas personas diligere et honorare, uerum etiam elemosinas et beneficia ad eorum sustentationem impendere et ea que ab antecessoribus nostris et ab aliis Dei fidelibus eis collata sunt tueri concedere et confirmare: Unde et dignum duxi omnia sicut subscripta sunt que a bonis antecessoribus meis scilicet Rege Dauid et dilecto fratre meo Rege Malcolmo et ab aliis Dei fidelibus Ecclesie Sancte Crucis de Edenesburch et canonicis eiusdem loci data sunt concessa aut confirmata, sicut in autenticis eorum scriptis, cum omni illa plenitudine et integritate continetur, regia auctoritate consilio proborum hominum

WILLIAM, by the grace of God King of Scots, to the bishops abbots earls justices sheriffs officers and all good men of his whole kingdom, French, English Scotch, Galwegians, as well present as to come, greeting: From the duty of the government of the kingdom laid upon us by God, it is incumbent on us not only to love and honour churches and ecclesiastical persons, but also to grant alms and gifts for their support, and to maintain grant and confirm the possessions given to them by our ancestors and others faithful in God: Wherefore I have thought fit, of my royal authority with consent of my faithful people, to grant and confirm to the Church of the Holy Rood of Edinburgh and the Canons of that place, all the possessions under written which were granted or confirmed by my worthy ancestors King David and my beloved brother King Malcolm, and by others faithful in God, as in their authentic writings, with all fulness and strength is

meorum predicte ecclesie et fratribus concedere et confirmare : In primis de dono Regis Dauid aui mei ecclesiam castelli cum Salectuna per rectas diuisas suas et cum ceteris appenticiis eidem ecclesie pertinentibus ; et Ecclesiam Sancti Cutbērti cum parochia et omnibus que eidem ecclesie pertinent ; et Broctunam cum suis rectis diuisis ; et Inverleth illam. uidelicet que propinquior est portui cum suis rectis diuisis, et medietatem piscationis et terram illam in qua abbatiā sita est, cum parte Cragge que ad eam pertinet ; et quadraginta solidos de Burgo meo de Edenesburch, et unum plenarium toftum in eodem Burgo, et inter Burgum et abbatiam herbergare quoddam burgum, concedendo burgensibus eiusdem burgi meliores custumas quas habet aliqua ecclesia in terra mea ; et unum toftum in Striuelin, et unius retis tractum ad piscandum ; et Ecclesiam de Heret cum parrochia et omnibus que eidem ecclesie pertinent, et terra mea de Heret eisdem diuisis quibus Gillebertus uicecomes et alii ministri de Striuelineschire perambulauerunt et tradiderunt Alwino abbati, et in eadem uilla unam salinam cum uiginti septem acris ; et in bosco dominio meo ibi eis necessaria sumere concedo ubi ad mea propria negotia necessaria sumuntur ; et porcos dominios eiusdem ecclesie concedo ibi esse quietos

contained : In the first place, by the gift of King David my grandfather the Church of the Castle with Salectun by its right marches, and with the other appurtenances belonging to the said church ; and the Church of Saint Cuthbert with the parish and all things which belong to that church ; and Broctun with its right marches ; and that Inverleith which is nearest to the harbour with its right marches, and the half of the fishing, and that land on which the Abbey is built, and that part of the crag which belongs to it ; and forty shillings from my Burgh of Edenesburch, and one full toft in the same Burgh, and power to establish a burgh between the Burgh (of Edinburgh) and the abbey, granting to the burgesses of the said burgh as full privileges as any church in my land has ; and one croft in Struielin, and the draught of one net for fishing ; and the Church of Heret with the parish and all which belongs to the same church, and my land of Heret with the same marches by which Gilbert the sheriff and the other officers of Stirlingshire marched and gave it over to Alwin the abbot, and a salt-work in the same town, with twenty-seven acres ; and I give them right to take what they require in the wood of my lordship when it is taken for my proper use ; and I grant that the swine within the lordships of the said Church shall

de padnagio; et unum toftum in Linlitcu, et unum toftum in Rinfriu quinque percarum et piscationem de salmonis; et Pethendreiam cum suis rectis diuisis, et Hameram et Fordam cum suis rectis diuisis et ecclesiam eiusdem uille cum omnibus que ad eam pertinent sicut karta Rodberti episcopi de Sancto Andrea testatur: Et unum toftum in Berewic, et tractum duorum retium in Scypwel; et medietatem sepi et uncti et coriorum de occisione de Edenesburch; et decimam omnium placitorum meorum ab Avin flumine usque Colbrandespath; et medietatem decime de cano de Chentyr et de Erregail; et medietatem decime de eisdem locis placitorum meorum; et omnes pelles arietinas et ouinas et agninas de Castello Puellarum et de Linlitcu que moriuntur de meo dominio; et unum de meis molendinis de Dene, et decimam de meis molendinis de Dene et de Libertuna, et octo celdras de brasio et octo farine de dominio de Libertuna, et triginta careis de Busche; Et quod nullus capiat aliquem de hominibus abbatis eiusdem ecclesie errantem per uiam pro aliquo forisfacto uel pro aliqua calumpnia excepto latrocinio et effusione sanguinis antequam cum abbate prius inde loquatur et requirat ut abbas faciat plenum rectum calumpnianti de homine suo, et si abbas ei a recto deficiat tunc uicecomes et justicia faciant ei rectum secundum quod

be free of pannage; and one toft in Linlitcu, and one toft in Renfreu of five perches and a salmon fishing; and Pethendrei with its right marches and Hamore and Ford with their right marches, and the church of the same town with all that belongs to it, as the charter of Robert bishop of St Andrews witnesses: And a toft in Berewic and the draught of two nets in Scypwel; and the half of the fat, tallow and hides of the slaughter of Edinburgh; and the half of all my pleas from the river Avin to Colbrandespath; and the half of the tithe of cane of Kentyr and of Argyll; and the half of the tithe of my pleas of the said places; and all the skins of rams, ewes, and lambs of the Maiden Castle and of Linlitcu which die of my flock; and one of my mills of Dene, and a tithe of my mills of Dene and of Libertune, and eight chalders of malt, and eight of meal, of my lordship of Libertun, and thirty cart-loads from the bush: And that no one seize any of the men of the Abbot of the said Church wandering by the way for any forfeiture or for any delict except robbery and bloodshed, before he speak with the Abbot thereon, and require him to do full justice to the complainer on his man, and if the Abbot shall fail in doing right then the sheriff and justice shall do right

calumpnians hominem abbatis iuste calumpniauerit: Et ne quis capiat pandum super terram Sancte Crucis nisi abbas rectum et ius facere recusauerit: Et ut quieti sint de theloneo et de omni consuetudine de propriis catellis per totam terram meam: Et ut nullus retineat natiuos aut fugitiuos eiusden ecclesie super meam plenariam forisfacturam: De dono et concessione et confirmatione fratris mei Regis Malcolmi Ecclesiam de Trauernent ad indumenta canonicorum cum terris et decimis et omnibus appenticiis et rectitudinibus suis sicut unquam Walerannus melius eam et plenius tenuit tempore Regis Dauid aui mei: Et Ecclesiam de Batchet cum terra illa quam Galfridus de Maleuin et Vctredus uicecomes de Linlitcū perambulauerunt: Et Ecclesiam de uilla Leuing cum dimidia carrucata terre et ceteris que ad eam pertineant: Et ecclesiam de Kinel cum carucata terre et omnibus eius pertinentiis sicut Herbertus camerarius eam dedit, concedentibus filiis suis Stephano et Willelmo: Et Ecclesiam de Kerreden cum terris et libertatibus ad eandem ecclesiam pertinentibus: Et Ecclesiam de Paxstuna cum omnibus pertinentiis et libertatibus que ecclesie predicte iuste pertinent: Et Ecclesiam de Crauford cum duabus carrucatis terre

according to that whereof the complainer justly accuses the Abbot's man, and no one shall take poind on the land of the Holy Rood unless the Abbot shall have refused to do right and justice; and that they be quit of toll and of all custom of their proper goods throughout my land; and that no man keep the natives or fugitives of the said Church upon my full forfeiture: By the gift grant and confirmation of my brother King Malcolm the Church of Trauernent for the clothing of the Canons with the lands and tithes and all their appurtenances and rights as ever Waleran held and possessed it best and most freely in the time of King David my father: And the Church of Batchet with that land which Galford of Maleuin and Vctred sheriff of Linlitcu marched: And the Church of Leuington with half an oxgate of land and the other things which belong to it: And the Church of Kinel with the oxgate of land and all its pertinents as Herbert the chamberlain gave to them, his sons Stephen and William consenting: And the Church of Karreden with the lands and liberties belonging to the said church: And the Church of Paxstun and all the pertinents and liberties which justly belong to the said church: And the Church of Crawford with two oxgates of land and all its rights: And by the

et omnibus rectitudinibus suis: Et de dono Fergus, Dunroden cum Ecclesia et omnibus appenticiis suis, et insulam Trail cum terra de Galtweied per rectas diuisas: Et de dono Vetredi Ecclesiam Sancti Cutberti de Desensemor, et Ecclesiam de Tungeland cum decimis et piscationibus et omnibus rectitudinibus eisdem ecclesie iuste pertinentibus: Et unum toftum in Inverchethin, et unum in Hadigtun: Ex dono Philippi de Euermele unam carrucatam terre et pasturam mille ouium in Rumanach. Uolo autem ut omnia prescripta ita liberaliter et quicta teneant sicut aliqua ecclesia uel abbatia in toto regno meo liberius et quietius res suas possidet: His testibus, Nicholao cancellario, Matheo archidiacono, Osberto abbate de Jedeuurde, Ricardo capellano regis, Ada comitissa, Waltero filio Alani, Ricardo de Moreuila; Roberto de Quenci, Philippo de Valuines, Ricardo Cumin, Bernardo filio Brien, Willelmo carpentario, Gilleberto de Umframuilla, Willelmo de Aldri, Galfrido de Maleuin, Serlone de Edenesburch, Rodberto, janitore castelli, Roberto et Waltero de Berchelai: Apud Edenesbvrch.

gift of Fergus, Dunroden with the Church and all its appurtenances, and the isle of Trail with the land of Galtweid by the right marches. And by the gift of Vetred the Church of Saint Cutbert of Desensemor, and the Church of Tungeland with the teinds and fishings and all the rights justly belonging to the said church; and a toft in Inverchethin and one in Hadigtun. By the gift of Philip of Euermele one ploughgate of land and the pasture of a thousand sheep in Rumanach. I will also that they hold all that is above written as freely and quietly as any church or abbacy in my whole realm most freely and quietly possesses its rights: Witnesses, Nicholas the chancellor, Mathew the archdeacon, Osbert abbot of Jedeuurde, Richard the King's chaplain, Ada the countess, Walter the son of Alan, Richard de Moreuile, Robert de Quenci, Philip de Valuines, Richard Cumin, Bernard the son of Brien, William the Carpenter, Gilbert de Umframuille, William of Aldri, Geoffrey of Maleuin, Serlo of Edinburgh, Robert gate-keeper of the castle, Robert and Walter de Berchelai: at Edinburgh.

III.

CHARTER by King Robert the First, under his Great Seal, confirming the Foundation Charter by King David the First to the Abbey of Holyrood [*No.* I. *hereof*]. *Circa* 1327–1329.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue, tam clericis quam laicis, salutem: Sciatis nos coram consilio nostro diligenter inspexisse ac veraciter intellexisse cartam bone memorie domini Dauid Regis Scottorum, illustris predecessoris nostri factam religiosis viris, abbati et canonicis regularibus Ecclesie Sancte Crucis de Edinburgh, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, sed vero sigillo dicti domini Regis signatam in hec verba.

In nomine Domini nostri Jhesu Christi [*etc. ut supra No. I. p.* 1.]

Quam quidem cartam in omnibus et per omnia, pro salute anime nostre, et animarum omnium antecessorum et successorum nostrorum regum Scocie, approbamus, ratificamus, et presenti carta nostra confirmamus; Mandamus eciam et firmiter precipimus justiciariis, vicecomi-

ROBERT, by the grace of God King of Scots, to all good men of his whole land, as well clergy as laity, greeting: Know ye that in presence of our council we have carefully seen and truly understood a charter of the lord David, King of Scots, of good memory, our illustrious predecessor, made to religious men, the abbot and canons regular of the Church of Holy Rood of Edinburgh, not abolished, not cancelled, nor vitiated in any part, but sealed with the true seal of the said lord the King, in these words:—

In the name of our Lord Jesus Christ [*etc. as above, No. I. p.* 1].

Which charter, in all and by all things, for the weal of our souls, and of the souls of all our ancestors and successors, Kings of Scotland, we approve, ratify, and by our present charter confirm: We order also, and strictly command the justices, sheriffs, provosts, and their bailies, to whose notice inspection of the

tibus, prepositis et eorum balliuis ad quorum noticiam presentis carte inspectio peruenerit quod abbatem et canonicos supradictos contra tenorem carte supradicte et confirmacionis nostre regie concessionem nullatenus grauare, seu molestari presumant iniuste, super nostram plenariam forisfacturam. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi: Testibus, venerabilibus in Christo patribus Willelmo Sancti Andree et Willelmo Dunkeldensis Dei gracia episcopis; Bernardo abbate de Abirbrothoc cancellario nostro; Thoma Ranulphi, comite Morauie, domino Vallis Anandie et Mannie; Waltero senescallo Scocie; Jacobo domino de Duglas; Johanne de Meneteth; Gilberto de Haya, constabulario Scocie; Roberto de Keth, marescallo Scocie; et Alexandro de Seton, militibus, et multis aliis.

present charter shall come, that they presume not unjustly to vex or molest the foresaid Abbot and Canons against the tenor of the foresaid charter, and this granting of our royal confirmation, under our full forfeiture: In witness whereof we have ordered our seal to be appended to our present charter: Witnesses, the venerable fathers in Christ, William and William, by the grace of God bishops of St Andrews and Dunkeld; Bernard, abbot of Aberbrothoc, our chancellor; Thomas Ranulph, earl of Moray, lord of Annandale and Man; Walter Steward of Scotland; James, lord of Douglas; John of Meneteth; Gilbert de Hay, constable of Scotland; Robert de Keth, marschal of Scotland; Alexander of Seton, Knights, and many others.

IV.

CHARTER by King Robert the First, under his Great Seal, to the Burgesses of Edinburgh, of his Burgh of Edinburgh, with the Port of Leith and other Appurtenances. Cardros, 28th May 1329.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue, salutem: Sciatis nos dedisse concessisse et ad feodifirmam dimisisse, et hac presenti carta nostra confirmasse, Burgensibus Burgi nostri de Edenburgh, predictum Burgum nostrum de Edenburgh, vna cum Portu de Lethe molendinis et ceteris pertinenciis suis. Tenendum et habendum eisdem Burgensibus et eorum successoribus de nobis et heredibus nostris, libere quiete plenarie et honorifice, per omnes rectas metas et diuisas suas, cum omnibus commoditatibus libertatibus et asiamentis que ad dictum Burgum iuste spectare solebant tempore bone memorie Regis Alexandri predecessoris nostri vltimo defuncti: [Reddendo inde nobis et heredibus nostris annuatim dicti Burgenses et eorum successores, quinquaginta duas marcas sterlingorum ad terminos Pentecostes et Sancti Martini in hyeme pro equali porcione. In cuius rei

ROBERT, by the grace of God King of Scots, to all good men of all his land, greeting. Know that we have given, granted, and to feuferm let, and by this our present charter confirmed, to the Burgesses of our Burgh of Edinburgh, our foresaid Burgh of Edinburgh, together with the Port of Leith, mills, and others their pertinents. To have and to hold to the said Burgesses and their successors, of us and our heirs, freely, quietly, fully, and honourably by all their right meiths and marches, with all the commodities, liberties, and easements which justly pertained to the said Burgh in the time of King Alexander, our predecessor last deceased, of good memory: Paying therefor the said Burgesses and their successors to us and our heirs, yearly, fifty-two merks sterling, at the terms of Whitsunday and Martinmas in winter, by equal portions.

testimonium presenti carte nostre sigillum nostrum precepimus apponi. Testibus, Waltero de Twynham, cancellario nostro; Thoma Ranulphi comite Morauie, domino Vallis Anandie et Mannie, nepote nostro; Jacobo domino de Douglas; Gilberto de Haia, constabulario nostro; Roberto de Keth, marescallo nostro Scocie; et Adam More, militibus: Apud Cardros, vicesimo octauo die Maij, anno regni nostri vicesimo quarto.

In witness whereof we have commanded our seal to be affixed to our present charter. Witnesses, Walter of Twynham our chancellor; Thomas Ranulph, Earl of Moray, Lord of Annandale and Man, our nephew; James Lord of Douglas; Gilbert of Hay our constable; Robert de Keth our marischall of Scotland, and Adam More, knights. At Cardros the twenty-eighth day of May, in the twenty-fourth year of our reign.

V.

CHARTER by King David the Second, dated at Dunfermline, 30th December 1343, confirming the Charter of Confirmation by King Robert the First to Holyrood [*No.* III. *hereof.*]

DAUID Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laycis, salutem: Sciatis nos inspexisse ac veraciter intellexisse cartam confirmacionis clare memorie domini patris nostri,

DAVID, by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we have inspected and truly

non abolitam, non cancellatam nec in aliqua sui parte viciatam in hec verba :

Robertus Dei gracia Rex Scottorum [*etc. ut supra No. III. p.* 14].

Nos vero iura et libertates predicti monasterii in omnibus conseruare volentes illibatas, ac beneficia per predecessores nostros, reges Scocie, Deo et ecclesie collata augmentare cupientes; ingibus gratiarum incrementis ; predictam cartam confirmacionis domini patris nostri, in omnibus punctis articulis, condicionibus et circumstanciis suis quibuscumque, forma et effectu, approbamus, ratificamus, et pro nobis et heredibus nostris eisdem abbati et conuentui et eorum successoribus inperpetuum confirmamus. Et volumus quod omnes terras suas predictas habeant teneant et possideant in liberam regalitatem, cum plena administracione eiusdem regalitatis, in omnibus et per omnia, adeo libere et quiete sicut aliqua regalitas in regno nostra tenetur seu possidetur per quoscumque. Volumus eciam quod dicti abbas et conuentus habeant et possideant capellaniam capelle nostre ita quod abbas dicti monasterii qui pro tempore fuerit sit capellanus noster principalis et vnum canonicum suum substituat in nostra capella loco sui, qui oblaciones obuenciones et omnia alia que de iure

understood a charter of confirmation of the lord our father, of good memory, not abolished, not cancelled, nor vitiated in any part, in these words :—

Robert, by the grace of God King of Scots [*etc. as above, No. III. p.* 14].

We also willing to preserve undiminished the rights and liberties of the foresaid monastery in all things, and desiring to augment the benefits given to God and the church by our predecessors, Kings of Scotland, by a great increase of favours, we approve, ratify, and, for us and our heirs, confirm to the said Abbot and Convent and their successors for ever, the foresaid charter of confirmation of the lord our father, in all its points, articles, conditions, and circumstances whatsoever, in form and effect: And we will that they have hold and possess all their foresaid lands in free regality, with full administration of the said regality, in all and by all, as freely and quietly as any regality is held or possessed by any one in our kingdom : We will also that the said Abbot and Convent have and possess the chaplainry of our chapel, so that the Abbot of the said monastery who may be for the time, shall be our principal chaplain, and may substitute another canon in our chapel in his stead, who shall receive the whole oblations, offerings, and all other things which by law or custom belong to our

aut consuetudine ad nostram capellam spectant integre percipiat. In cuius rei testimonum presenti carte nostre sigillum nostrum precepimus apponi. Testibus venerabili in Christo patre domino Willelmo Dei gracia episcopo Sancti Andree; Roberto, Senescallo Scocie nepote nostro; Duncano, comite de Fyf; Johanne Ranulphi, comite Morauie, domino Vallis Anandie et Mannie; Patricio de Dunbarr, comite Marchie; Mauricio de Morauia, Malcolmo Flemyng et Thoma de Carnoto, cancellario nostro, militibus. Apud monasterium de Dunfermelyne penultimo die Decembris, anno regni nostri quarto decimo.

chapel: In witness whereof we have ordered our seal to be appended to our present charter: Witnesses, the venerable father in Christ, the lord William, by the grace of God bishop of St Andrews; Robert, Steward of Scotland, our nephew; Duncan, earl of Fyf; John Ranulph, earl of Moray, lord of Annandale and Man; Patrick of Dunbarr, earl of March; Maurice of Moray; Malcolm Flemying and Thomas of Carnoto, our chancellor, Knights: At the monastery of Dunfermelyne, the thirtieth day of December, in the fourteenth year of our reign.

VI.

PROCURATORY by various Burghs for themselves and all the Burgesses and Merchants of Scotland, empowering certain Burgesses of Edinburgh, Perth, Aberdeen, and Dundee, to negociate and enter into obligation for the ransom of King David the Second from his captivity in England. Edinburgh, 26th September 1357.

NOVERINT universi per presentes quod nos Alexander Gylyot Adam Tore et Johannes Goldsmyth de Edynburgh, Johannes Mercer Johannes

KNOW all men by these presents that we Alexander Gylyot, Adam Tore and John Goldsmyth of Edinburgh; John Mercer, John Gill and Robert of Gat-

Gill' et Robertus de [Gatmilk] de Perth, Laurencius de Garuok Willelmus de Leth et Johannes Crab de Aberdene, Magister Johannes de Someruylle et Robertus Kyd de Dunde, Rogerus Phipille et Thomas filius Johannis de Inuerkethyn, Ricardus Hendchyld et Ricardus Skroger de Carale, Nicholas Rector Scolarum et Dauid Comyn de Cuper, Laurencius Bell et Adam de Kirkyntolach Sancti Andree Ricardus de Cadyoch et Johannes Clericus de Munros, Johannes de Burgo et Willelmus Sauser de Strivelyn, Johannes filius Johannis et Willelmus de Saulton de Linlithgow, Adam de Haddyngton et Adam de Congilton de Haddyington, Simon Potter et Petrus Waghorn de Dunbretane, Patricius Clericus et Patricius Reder de Rothirglen, Andreas Ade et Andreas de Ponfret de Lanark, Willelmus de Duncoll et Thomas Lang de Drumfres, Nicholas filius Johannis et Johannes filius Willelmi de Peblis, aldermanni mercatores et burgenses, deliberacionem domini nostri Regis Dauid a carcere domini Edwardi Regis Anglie illustris plurimum affectantes, de consensu et uoluntate omnium communitatum dictorum burgorum et parcium adjacencium eisdem, facimus constituimus et ordinamus per presentes nostros et omnium burgensium ac mercatorum dicti regni Scocie ueros procuratores, negociorum gestores et nuncios

milk of Perth; Laurence of Garuok, William of Leith and John Crab of Aberdeen; Master John of Somervyll and Robert Kyd of Dundee; Roger Phipill and Thomas Johnson of Inverkeithing; Richard Hendchyld and Richard Skroger of Crail; Nicholas, Rector of the Schools, and David Comyn of Cupar; Laurence Bell and Adam of Kyrkyntolach of St Andrews; Richard of Cadyoch and John Clerk of Montrose; John of Burgh and William Sauser of Stirling; John Johnson and William of Saulton of Linlithgow; Adam of Haddington and Adam of Congilton of Haddington; Simon Potter and Peter Waghorn of Dumbartan; Patrick Clerk and Patrick Reder of Rutherglen; Andrew Adam and Andrew of Ponfret of Lanark; William of Duncoll and Thomas Lang of Dumfries, Nicholas Johnson and John Williamson of Peebles; Aldermen, merchants and burgesses, most earnestly desiring the deliverance of our Lord King David from the prison of the Lord Edward the illustrious King of England, of the consent and will of all the communities of the said Burghs, and parts adjacent to the same, make, appoint and ordain by these presents as true procurators, agents and special messengers of ourselves, and of all the burgesses and

speciales Alexandrum Gylyot Adam Tore Johannem Goldsmyth Johannem Mercer Johannem Gill Robertum de Gatmilk Laurencium de Garuok Willelmum de Leth Johannem Crab Magistrum Johannem de Someruyll et Robertum Kyd de Edynburgh Perth Abirden et de Dunde burgenses, dantes eisdem et eorum sex aut quatuor, plenam et liberam potestatem ac mandatum speciale ad finaliter concordandum cum consilio prefati domini Regis Anglie super liberacione domini nostri Regis Dauid supradicti, et ad admittendum firmandum atque approbandum nomine nostro et omnium burgensium ac mercatorum tocius regni Scocie omnes et singulos tractatus et concordias factos habitos seu faciendos inter dictum consilium domini Regis Anglie ac prelatos et alios nobiles regni Scocie et quoslibet etiam punctos in eisdem contentos qui liberacionem dicti domini nostri Regis Dauid tangunt seu tangere poterunt quouismodo, et ad confitendum et recognoscendum nos et omnes alios burgenses et mercatores dicti regni Scocie heredes et successores nostros et quemlibet nostrum et eorum, principaliter et in solidum obligari et teneri prefato domino Regi Anglie,

merchants of the said kingdom of Scotland, Alexander Gylyot, Adam Tore, John Goldsmyth, John Mercer, John Gill, Robert of Gatmilk, Laurence of Garuok, William of Leith, John Crab, Master John of Somervyll and Robert Kyd, burgesses of Edinburgh, Perth, Aberdeen, and Dundee, giving to them and to six or four of them full and free power and special mandate to come to accord finally with the Council of the foresaid Lord the King of England for the liberation of our Lord King David above named, and to admit, confirm and approve in our name and that of all the burgesses and merchants of the whole kingdom of Scotland, all and each the treaties and agreements made held or to be made between the said Council of the Lord the King of England, and the prelates and other nobles of the kingdom of Scotland, and also all points contained in the same which touch or can in any way touch the liberation of our said Lord King David, and to confess and recognise us and all other burgesses and merchants of the said kingdom of Scotland, our heirs and successors, and any of us and them as principal debtors for the whole, to be bound and held to the foresaid Lord King of England, his heirs and successors for the ransom of our foresaid Lord the King of Scotland, in one hundred thousand merks of sterlings to be paid to the same Lord the King of England, or to his

heredibus et successoribus suis occasione redempcionis prefati domini nostri Regis Scocie, in centum milibus marcarum sterlingorum, soluendis eidem domino Regi Anglie uel suis procuratoribus in locis et terminis in dictis tractatibus et concordis statutis seu statuendis, et ulterius ad faciendum nomine nostro et cujuslibet nostrum ac comunitatum aliorum burgensium et mercatorum dicti regni Scocie pacciones obligaciones securitates promissiones literas et juramenta, quascunque et quecunque que ad firmitatem et approbacionem premissorum fuerint quomodolibet facienda, et ad obligandum et subittendum nos et quemlibet nostrum in solidum ac omnia bona nostra et singula et cujuslibet nostrum ac ceterorum burgensium et mercatorum dicti regni Scocie mobilia et immobilia presencia et futura ubicunque constituta fuerint et inuenta, compulsioni et cohercioni quarumcunque curiarum ecclesiasticarum uel secularium illorum locorum in quibus dicta bona constituta fuerint et inuenta et earum judicum et ministrorum et cujuslibet ipsarum quousque de totali summa centum milium marcarum et cujuslibet ejus partis ac de omnibus aliis capitulis in dictis tractatibus et concordiis contentis una cum dampnis expensis et interesse, si que uel quas ipsum dominum Regem Anglie in

procurators, at the places and terms, in the said treaties and agreements appointed or to be appointed; and farther to make in name of us, and each of us, and of the communities of other burgesses and merchants of the said kingdom of Scotland, contracts, obligations, securities, undertakings, writings and oaths whatsoever which should be made in any way for the confirmation and approval of the premises; and to oblige and submit us and each of us for the whole, and all and sundry the goods of each and all of us, and of the other burgesses and merchants of the said kingdom of Scotland, moveable and immoveable present and future, wherever they shall be situated and found, to the compulsion and constraint of any courts ecclesiastical or secular of those places in which the said goods shall have been placed and found, and of their judges and officers, and of any of them until full and entire satisfaction shall have been made to the foresaid Lord the King of England or his procurators specially deputed in that part, of the whole sum of 100,000 merks and of any part of it, and of all the other points contained in the said treaties and agreements together with the damages, expenses and interest, if it shall happen that the Lord the King of England has incurred or sustained any, whether in judgment or outwith, in

exigendo prosequendo aut recuperando dictam summam pecunie ac propter retardationem solucionis ejusdem uel alicujus ejus partis quod absit, incurrere seu sustinere in judicio uel extra contigerit quouismodo, prefato domino Regi Anglie uel ejus in hac parte procuratoribus specialiter deputatis fuerit plenarie et integre satisfactum, et ad prestandum in animas nostras et cujuslibet nostrum ac suas quodcunque genus liciti sacramenti quod a nobis in hac parte exigi poterit seu requiri, et ad renunciandum nomine nostro et cujuslibet nostrum omnibus et singulis juribus remediis auxiliis et cautelis tam juris canonici quam civilis et omnibus literis apostolicis impetratis seu impetrandis per que uel quas contra predicta nos defendere possemus quomodolibet uel tueri, necnon et omnia alia et singula faciendum et expediendum que in premissa et circa premissa necessaria fuerint et oportuna quantumcunque mandatum exigant speciale. Insuper, ad cautelam et majoris roboris firmitatem omnium premissorum jurauimus et quilibet nostrum jurauit ad Sancta Dei Euangelia per nos corporaliter tacta, juramus et quilibet nostrum sponte jurat quod omnia et singula liberacionem dicti domini nostri Regis Scocie qualitercunque concernencia, que per consilium dicti domini Regis Anglie et prefatos prelatos et nobiles dicti regni Scocie ac procuratores nostros supradictos uel eorum sex aut quatuor,

exacting prosecuting or recovering the said sum of money, and on account of delay in paying the same or any part of it, which may it not happen; and to make on the souls of us and of each of us and them, any kind of lawful oath that can be exacted or required from us in this matter, and to renounce in our name and that of each of us, all and each of the rights, remedies, helps and cautions both of the canon and civil law, and all letters apostolic impetrated or to be impetrated, by which we could defend or in any way protect ourselves against the foresaid. Also to do and complete all and every other things which in the premises and about the premises shall be necessary and fit, even if they require special mandate. Moreover for the security and stronger confirmation of all the premises we and each of us have sworn, and we and each one of us of his own accord do swear, on the Holy Gospels of God touched corporeally by us, that each and all points in any way touching the liberation of our said Lord the King of Scotland, which by the Council of the said Lord the King of England, and the foresaid prelates and nobles of the said kingdom of Scotland, and our procurators above

tractata ordinatà concordata submissa jurata renunciata et facta fuerint in premissis et in quolibet premissorum, rata grata habebimus atque firma, et eis in omnibus adquiescemus et contra in aliquo non faciemus nec ueniemus, de jure uel de facto tacite uel expresse, sed ipsa exnunc prout extunc ratificamus et aprobamus per presentes.

In quorum omnium testimonium sigilla communia dictorum burgorum et communitatum eorumdem presentibus sunt appensa apud Edynburgh xxvi. die mensis Septembris anno Domini MCCCL septimo.*

named or six or four of them, shall have been stipulated, ordained, agreed, submitted, sworn, renounced and done in the premises and in each of the premises, we shall hold ratified approved and confirmed and shall acquiesce in them all, and shall not do or come contrary in anything in law or deed, tacitly or expressly, but we now as then ratify and approve these things by these presents.

In testimony of all which, the common seals of the said Burghs and of the Communities of the same are affixed to these presents at Edinburgh the 26th day of September in the year of our Lord 1357.

* The original procuratory in the Record Office, London, has the seals appended of the following burghs :—

Aberden	Lithgw
Dunde	Haddington
Inverkethyn	Dunbreton
Carall	Rothyrglen
Cupar	Lanarc
Sanctandrois	Dunfrezes
Monros	Peblis,
Strevelyn	

and of one which cannot be deciphered, the cognisance, a triple tower, probably Edinburgh.

THE Burgesses of Edinburgh, Perth, Aberdeen and Dundee as procurators thus constituted granted an obligation for fulfilment of the treaty, and particularly for payment of the sum of ten thousand merks sterling to the King of

England, and affixed to it the seals of their respective burghs, along with the subscriptions of three notaries, at Berwick on Tweed 6 October 1357. Similar obligations for the said sum were granted by the Prelates and Clergy and by the Nobility of Scotland.

VII.

CHARTER by King David the Second to the Burgesses and Community of Edinburgh, of a piece of ground in the High Street, to erect a new Tron thereon. Edinburgh, 3d December 1364.

DAUID Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue, salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse Burgensibus et Communitati Burgi de Edynburgh vnam peciam terre iacentem infra dictum Burgum in vico communi ex parte occidentali veteris Tholonei ascendendo versus castrum, continentem centum pedes in longitudine et triginta duos pedes in latitudine, vbi nouum Tholoneum sibi construere valeant et edificare: Tenendam et habendam eisdem Burgensibus et Communitati de Edynburgh et eorum heredibus atque successoribus de nobis et heredibus nostris in feodo et hereditate, libere quiete plenarie integre et honorifice, cum omnibus et

DAVID, by the grace of God King of Scots, to all the good men of his whole land, greeting: Know ye that we have given, granted, and by this our present charter have confirmed to the Burgesses and Community of the Burgh of Edinburgh a piece of land lying within the said Burgh, in the common street on the west part of the old Trone, going up towards the Castle, containing one hundred feet in length, and thirty-two feet in breadth, on which they may construct and build a new Trone for themselves. To have and hold to the same Burgesses and Community of Edinburgh, and their heirs and successors, of us and our heirs in fee and heritage, freely, quietly, fully, wholly, and honourably, with all and singular

singulis libertatibus commoditatibus aysiamentis et iustis pertinenciis suis quibuscunque ad dictam peciam terre spectantibus seu quoquo modo iuste spectare valentibus in futurum: In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi: Testibus, venerabilibus in Christo patribus Willelmo episcopo Sanctiandree et Patricio episcopo Brechinensi, cancellario nostro, Roberto, senescallo Scocie, comite de Stratherne, nepote nostro, Patricio, comite Marchie et Morauie, Roberto de Erskyne et Archebaldo de Douglas, militibus: Apud Edynburgh tercio die Decembris anno regni nostri tricesimo sexto.

liberties, commodities, easements, and just pertinents thereof whatsoever belonging to the said piece of land, or which may justly belong thereto in future in any manner of way. In witness whereof we have ordered our seal to be appended to this present charter. Witnesses the venerable fathers in Christ: William, bishop of St Andrews, and Patrick, bishop of Brechin, our Chancellor; Robert, Steward of Scotland, earl of Strathearn, our nephew, Patrick earl of March and Moray, Robert of Erskyne, and Archibald of Douglas, knights: At Edinburgh, the third day of December, in the thirty-sixth year of our reign.

VIII.

PRECEPT by King David the Second directed to the Sheriff of Edinburgh and his Bailiffs, commanding them to prohibit the holding of a fair at Newbottle. Perth, 12th November 1367.

DAVID Dei gracia Rex Scottorum vicecomiti et balliuis suis de Edynburgh, salutem: Quia contra regni nostri consuetudines et in preiudicium ac grauamen Burgi nostri de Edynburgh ac Burgensium nostrorum eiusdem

DAVID, by the grace of God King of Scots, to the Sheriff and his Bailies of Edinburgh, greeting: Whereas contrary to the customs of our kingdom, and to the prejudice and hurt of our Burgh of Edinburgh, and of our Burgesses of the same

loci, quoddam forum apud Newbotill infra balliam vestram iniuste tenetur, et congregatis ibidem ementibus et vendentibus exercetur: Vobis mandamus et precipimus quatenus ad dictum locum personaliter accedentes auctoritate nostra publice inhibeatis et faciatis, per totam balliam vestram, proclamari ne quis ad dictum locum, causa emendi aut vendendi, seu forum ibidem aliquod exercendi, de cetero presumat accedere, vel aliquas res venales ibidem adducere, quoquo modo; et si forte aliquos inuenire poteritis contra hanc vestram inhibicionem immo verius nostram in dicto loco ementes aut vendentes, seu forum aliquid ibidem exercentes, personas eorum statim arrestari faciatis indilate et ad Castrum nostrum de Edynburgh personaliter adduci, ibidem carceri mancipandas quousque de eisdem duxerimus ordinare: Nichilominus res venales ibidem inuentas tanquam escaetam ad opus nostrum capiatis; et hoc sub pena que competit nullatenus omittatis: Datum sub sigillo nostro apud Perth, duodecimo die mensis Nouembris anno regni nostri tricesimo nono.

place, a certain fair is unjustly held at Newbotill within your baliary, and used by the buyers and sellers assembled there: We command and charge you that you going personally to the said place, by our authority publicly inhibit and cause to be proclaimed through your whole bailliary, that none henceforth presume to go to the said place in order to buy or sell, or frequent any market there, or bring anything there for sale in any way, and if perchance you find any persons against that your inhibition, or rather ours, buying or selling in that place or keeping any market there, you shall cause their persons to be immediately arrested, and without delay personally brought to our Castle of Edinburgh, there to remain in custody until we give command concerning them; you nevertheless seizing the goods found there for sale as escheat for our use: and this in nowise you omit, under the penalty which effeirs. Given under our seal at Perth, the 12th day of the month of November, in the thirty-ninth year of our reign.

IX.

CHARTER by King Robert the Second to Adam Forster, burgess of Edinburgh, of twenty merks yearly from the fermes of the Burgh of Edinburgh. Dundee, 28th December 1379.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laicis, salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro, Ade Forster burgensi de Edynburghe, xx^{ti} marcas sterlingorum de firmis Burgi nostri de Edynburghe, in excambium illarum xx^{ti} marcarum sibi per nos alias hereditarie concessarum de custuma dicti burgi: Tenendas habendas et percipiendas eidem Ade et heredibus suis de nobis et heredibus nostris in feodo et hereditate, libere, quiete, plenarie, integre, et honorifice, quosque nos vel heredes nostri dictum Adam vel heredes suos de xx^{ti} marcatis terre infeodauerimus vel infeodauerint in loco aliquo competenti: In cujus rei etc: Testibus etc: Apud Dunde xxviii die Decembris anno regni nostri nono.

ROBERT, by the grace of God king of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we have given, granted, and, by this our present charter, confirmed to our beloved and faithful Adam Forster, burgess of Edinburgh, twenty merks of sterlings from the fermes of our Burgh of Edinburgh, in exchange for those twenty merks from the custom of the said burgh granted to him in heritage by our other letters: To have hold and take to the said Adam and his heirs of us and our heirs in fee and heritage, freely, quietly, fully, wholly, and honourably, until we or our heirs infeft the said Adam or his heirs in twenty merks of land in any proper place: In witness whereof, etc.: Witnesses, etc.: At Dundee, the twenty-eighth day of December, in the ninth year of our reign.

X.

CHARTER by King Robert the Second to Adam Forster, burgess of Edinburgh, of twenty merks yearly from the fermes of the Burgh of Edinburgh. Edinburgh, 4th July 1383.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laicis, salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Ade Forster burgensi de Edynburghe, viginti marcas sterlingorum de firmis Burgi nostri de Edynburghe, in excambium illarum viginti marcarum sibi per nos alias hereditarie concessarum de custuma dicti burgi: Tenendas et habendas et percipiendas eidem Ade et heredibus suis de nobis et heredibus nostris in feodo et hereditate, libere, quiete, plenarie, integre et honorifice: Reddendo inde nobis et heredibus nostris vnum denarium argenti nomine albe firme ad festum Pentecostes, apud Edynburghe, si petatur tantum, pro omni alio seruicio, onere vel demanda que de dicto annuo redditu exigi poterit vel requiri: In cujus rei testimonum etc.: Testibus vt supra: Apud Edynburghe quarto die Julii, anno regni nostri tercio decimo.

ROBERT, by the grace of God King of Scots: to all good men of his whole land, clergy and laity, greeting: Know ye that we have given, granted, and, by this our present charter, confirmed to our beloved and faithful Adam Forster, burgess of Edinburgh, twenty merks of sterlings from the fermes of our Burgh of Edinburgh, in exchange for those twenty merks from the custom of the said burgh granted to him in heritage by our other letters: To have hold and take to the said Adam and his heirs of us and our heirs in fee and heritage, freely, quietly, fully, wholly, and honourably: Paying therefor to us and our heirs one silver penny, at Whitsunday, at Edinburgh, in name of blench farm, if asked only, for all other service, burden, or demand which can be exacted or required from the said annual rent: In witness whereof, etc.: Witnesses as above: At Edinburgh, the fourth day of July, in the thirteenth year of our reign.

XI.

CHARTER by King Robert the Second to David, abbot of Holyrood, of a piece of land within the Castle of Edinburgh, on which to erect a house. Perth, 18th January 1384–5.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laycis, salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse reuerendo in Christo patri, Dauid abbati monasterii Sancte Crucis de Edynburghe, dilecto et fideli nostro, de consensu et assensu carissimi primogeniti nostri, Johannis comitis de Carrik, unam peciam terre continentem in longitudine octoginta pedes et tantum in latitudine, infra Castrum nostrum de Edynburghe vbi extra locum manerii nostri sibi eligere voluerit, in qua constituere poterit unam domum sufficientem cum domibus officiorum necessariis, in qua se et canonicos suos cum sua familia recipere poterit honeste, tempore guerre et pacis; cuius quidem domus nullus custodiam habeat, nec se intromittato aliqualiter de eadem, nisi ad hoc per dictum abbatem fuerit specialiter deputatus, siue in pacis tempore siue guerre. Tenendam et habendam dicto abbati et successoribus suis canonice intrantibus, in feodo

ROBERT, by the grace of God, King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we, with the consent and assent of our dearest first-born son, John, earl of Carrik, have given, granted, and, by this our present charter, have confirmed to our beloved and faithful the reverend father in Christ, David, abbot of the monastery of Holyrood of Edinburgh, a piece of land, containing in length eighty feet, and as many in breadth, within our Castle of Edinburgh, wherever he may choose beyond the site of our manor, on which he may build a sufficient house, with necessary office-houses, in which he and his canons, with their household, may peacefully reside, in time of war and peace; of which house no one shall have the custody, nor shall any one interfere in any way therein, except any specially appointed by the said abbot for this purpose, whether in time of peace or war: To hold and to have to the said abbot and his successors canonically entering, in fee and heritage for ever, in length and breadth

et hereditate in perpetuum, in longitudine et latitudine, de nobis et heredibus nostris, cum omnibus et singulis libertatibus, commoditatibus, aysiamentis, et justis pertinenciis quibuscunque: ita quod de victualibus suis et aliis rebus que infra dictum Castrum ducere voluerit ipse libere abducere, et de eisdem disponere poterit pro sue libito voluntatis. Reddendo inde nobis et heredibus nostris, dictus abbas et successores sui unum denarium argenti ad festum Pentecostes, annuatim si petatur, apud dictum Castrum tantum, pro omni alio seruicio exaccione vel demanda: ita videlicet quod dictus abbas et successores sui predicti, et eorum seruitores que ad securitatem dicti castri fidelitatem debitam ipsis custodibus, qui pro tempore fuerint, facere teneantur, liberum introitum et exitum habeant in dictum castrum horis debitis et opportunis: In cuius rei testimonum presenti carte nostre nostrum precepimus apponi sigillum: Testibus, venerabilibus in Christo patribus, Willelmo et Johanne, cancellario nostro, Sanctiandree et Dunkeldensis ecclesiarum episcopis; Johanne primogenito nostro, de Carrik, senescallo Scocie; Roberto de Fyf et de Menteth, filio nostro dilecto; Willelmo de Douglas et de Marr consanguineo nostro, comitibus; Archibaldo de Douglas et Roberto de Erskyne, consanguineis nostris, militibus: Apud Perth octodecimo die Januarii anno regni nostri tercio decimo.

of us and our heirs, with all and singular liberties, commodities, easements, and just pertinents whatsoever; so that of their food and other things which they may choose to bring within the said Castle, they may freely take away and dispose at their pleasure; the said abbot and his successors paying therefor to us and our heirs a silver penny, at the said Castle, on the feast of Whitsunday yearly, if asked only, for all other service, exaction, or demand; so that the foresaid abbot and his successors and their servants, who shall be bound to take the oath of fidelity, for the due security of the said Castle, to the keeper thereof who may be for the time, have free ish and entry to the said Castle at accustomed and proper hours: In witness whereof we have ordered our seal to be appended to our present charter: Witnesses, the venerable fathers in Christ, William and John, our chancellor, bishops of the churches of St Andrews and Dunkeld; John, our first-born, earl of Carrik, Steward of Scotland; Robert, earl of Fyfe and of Menteth, our beloved son; William, earl of Douglas and of Marr, our cousin; Archibald of Douglas, and Robert of Erskyne, our cousins, knights: At Perth, the eighteenth day of January, in the thirteenth year of our reign.

XII.

CHARTER by John, eldest son of the King (Robert II.), Earl of Carrick and Steward of Scotland (afterwards King Robert the Third), to the Burgesses of Edinburgh, of the right to have and build houses in the Castle, &c. Edinburgh, 4th July 1385.

JOHANNES Regis primogenitus comes de Carric et senescallus Scocie: Omnibus hanc cartam visuris vel audituris, salutem in Domino sempiternam: Noueritis nos ex deliberacione consilii nostri dedisse concessisse et hac presenti carta nostra confirmasse dilectis et fidelibus nostris vniuersis et singulis Burgensibus Communitatis Burgi de Edinburgh edificia sua habentibus uel domos sibi construere volentibus, in castro de Edynburgh in futurum, quod ipsi heredes sui et seruientes cum bonis suis victualibus et necessariis suis quibuscunque, infra dictum castrum veniendo morando seu redeundo, liberum habeant introitum et exitum ita quod feoda constabulario castri nulla neque janitori tribuant qualiacunque: Dum tamen dicti burgenses heredes sui et famuli de bona fama et conuersacione honesta nominentur: In cuius rei testimonium presentem cartam nostram dictis burgensibus et heredibus suis forma pariter et

JOHN, eldest son of the King, Earl of Carrick, and Steward of Scotland, To all who shall see or hear this charter, eternal salvation in the Lord. Know ye that we, by the advice of our Council, have given, granted, and by this our charter, have confirmed to our beloved and faithful all and each the Burgesses of the Community of the Burgh of Edinburgh, having their dwellings, or wishing to construct their houses in the Castle of Edinburgh in future, that they, their heirs and servants, with their goods, victuals, and other necessaries whatsoever, entering, remaining, or going out of the said Castle, shall have free ingress and egress, so that no fees whatever shall be paid to the constable or porter of the Castle; provided that the said Burgesses, their heirs and servants, be considered of good fame and honest conversation. In witness whereof we have caused this our present

effectu pro perpetuo remansuram vt predictum est sigilli nostri municione fieri fecimus roboratam: Apud Edinburgh iiii^to^ die Julii anno Domini millesimo CCC^mo^ octuagesimo quinto.

charter, which shall remain with the said Burgesses and their heirs in like form and effect for ever as aforesaid, to be made stable by the security of our seal. At Edinburgh, the fourth day of July, in the year of our Lord 1385.

XIII.

CHARTER by King Robert the Second to the Burgesses and Community of Edinburgh, of a piece of Ground at the north side of the High Street, for the purpose of erecting houses and buildings thereon, for the occupation of the Burgh. Edinburgh, 25th July 1386.

[Indorsed "Carta funde de le Belhous;" Charter of the site of the Belhous.]

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laycis, salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilectis et fidelibus nostris Burgensibus et Communitati Burgi nostri de Edynburgh et eorum successoribus in futurum, sexaginta pedes in longitudine et triginta in latitudine de terra

ROBERT, by the grace of God, King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we have given, granted, and by this our present charter have confirmed to our beloved and faithful the Burgesses and Community of our Burgh of Edinburgh, and their successors in time to come, sixty feet in length and thirty in breadth of land lying in the market-place of the

iacente in vico fori eiusdem Burgi ex parte boreali vici eiusdem: Dando et concedendo eisdem et eorum successoribus supradictis nostram licenciam specialem ad construendum seu edificandum in terra predicta domos et edificia ad decorem Burgi predicti et pro suis vsibus oportuna: Tenendas et habendas eisdem Burgensibus et Communitati et eorum successoribus vt predicitur in feodo et hereditate, per metas et diuisas predictas, adeo libere et quiete sicut aliquod burgagium in eodem burgo de nobis tenetur vel vbicunque alibi liberius infra regnum: Soluendo inde nobis et heredibus nostris vnum denarium argenti in festo Pentecostes annuatim, nomine albe firme, si petatur tantum, pro omni alio onere seu seruicio seculari: In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum: Testibus reuerendissimo in Christo patre Waltero Dei gracia sedis apostolice cardinale; venerabili patre in Christo Johanne episcopo Dunkeldensi, cancellario nostro; Johanne, primogenito nostro, de Carryk, senescallo Scocie; Roberto de Fyf et Menteth, Jacobo de Douglas, filiis nostris dilectis, comitibus; Archebaldo de Douglas et Thoma de Erskyn consanguineis nostris, militibus: Apud Edynburgh vicesimo quinto die Julii anno regni nostri sextodecimo.

said Burgh, on the north side of the street thereof; giving and granting to them and their foresaid successors our special license to construct and erect houses and buildings on the foresaid land for the ornament of the said Burgh, and for their necessary uses: To hold and to have to the said Burgesses and Community and their successors as aforesaid in fee and heritage by the foresaid bounds and divisions, as freely and quietly as any burgage within the said Burgh, or anywhere else within the kingdom, is freely held of us. Paying therefor to us and our heirs one silver penny at Whitsunday yearly, in name of blench farm, if asked only, for all other burden or secular service. In witness whereof we have ordered our seal to be appended to our present charter. Witnesses, the most reverend father in Christ, Walter, by the grace of God, cardinal of the Apostolic See; the venerable father in Christ, John, bishop of Dunkeld, our chancellor; John, our first-born, earl of Carrick, Steward of Scotland; Robert of Fyf and of Menteth, and James of Douglas, our beloved sons, earls; Archibald of Douglas and Thomas of Erskine, our cousins, knights: At Edinburgh, the twenty-fifth day of July, in the sixteenth year of our reign.

XIV.

INDENTURE between Adam Forester, Laird of Nether Liberton, and the Provost and the Community of Edinburgh, on the one part, and certain masons on the other, in regard to building five chapels on the south side of the parish church of Edinburgh. Edinburgh, 29th November 1387.

THIS Endentur made at Edynburgh the xxix day of the moneth of Nouember, betwene worthy men and nobyl Adam Forstar lorde of Nethir Lebertoun, Androw Yutsoun prowest of the Burgh of Edynburgh and the communite of that ylke on the ta half, and Jonne Prymros Jonne of Scone and Jonne Skuyer masounys on the tothir half, berys wytnes in fourme the qwylk eftir folowys; That is for to say. At the forsaidys Jonne Jonne and Jonne, al as anc, and ane as all, sal mak and voute v chapellis on the south syde of the paryce kyrc of Edynburgh, fra the west gavyl lyand in rayndoun est on to the grete pyler of the stepyl, voutyt on the maner and the masounry as the voute abovyn Sant Stevinys auter standand on the north syde of the parys auter of the Abbay of the Halyrudehous, the qwhylk patronne they haf sene. Alsua tha ylk men sal mak in ylk chapel of the four a wyndow with thre lychtys in fourme masounelyke, the qwhilk patrone thai haf sene, and the fyfte chapel woutyt with a durre als gude maner as the durre standand in the west gavyl of the forsaid kyrk. Alsua the chapel and the ylys qwhare the auterys sal stand sal be voutyt all vndir a maner as it is befor spokyn. Alsua the forsayde v chapellys sal be thekyt abovyn with stane and water thycht, the buteras fynyt wp als hech as the laue of that werk askys. Alswa betwene the chapellis guteryt with hewyn stane to cast the watir owte and to save the werc for the watir. Alswa the communyte as it is befor spokyn fyndand al coste and al grayth tyl that werk, and the forsayde masounys doand thair craft tyl that werk trewly withoutyn fraude as trew men aw to do. Alsua it is accordyt at the forsayde communyte sal gyfe to the forsayde masounys for the forsade werk as it is

before spokyne vi^{c} mark of sterlyngis of the payment of Scotlande. Alsua it is accordyt at the forsayde communite sal gyf to the forsayd masounys ay xl lib. befor hand for to mak thayr awne werk with ay tyl the forsayde werk be brocht tyl ende. Alsua the forsayde masounys sal lay in place on thair cost xii^{c} hewyn stanys astlayr and coynyhe swylk as fallys to that werk, the qwilke werke the forsaide masounys sal warande watir thicht. And till thire thingis lelely to be fulfillit ilke ane of the forsaide masounys is othiris bourcht. Wretyn vndir the seillis of the forsaides Adam prouest and the comunite selle anentis the forsaides masounys to be remaynande. And Join Primros has procurit the selle of James of Fulforde, and Join of Scone has procurit the selle of Join of Irwyne, in fai[lyhe] thai hade nane of their awyne, and Join Sqwyer has pute to his awyne selle anentis the forsaides Adam prouest and communyteis to be remaynande the yher of Our Lorde a thousande ccc lxxx and vii.

[Indorsed.]

Memorandum quod nos latami infrascripti fatemur nos compotam recepisse a communitate infrascripta, in festo Sancti Barnabe apostoli, anno Domini m^{o} ccc^{mo} nonagesimo xii^{xx} librarum sterlingorum, de quibus dictam communitatem quietam clamamus per presentes de summa infrascripta.

Item fatemur nos latamos infrascriptos fore persolutos per communitatem infrascriptam de octoginta et duodecim libris de summa infrascripta, die Veneris decimo octauo die mensis Augusti anno Domini millesimo ccc^{mo} nonagesimo primo. Et sic summa totalis nostre recep-

Memorandum, that we the masons within written acknowledge to have received count, from the Community within written, on the feast of Saint Barnabas the Apostle (11th June), in the year of our Lord one thousand three hundred and ninety, of twelve score pounds of sterlings, of which part of the sum within written we by these presents discharge the said Community.

Item, we, the masons within written, acknowlege us to be paid by the Community within written, ninety-two pounds of the amount within written, on Friday the eighteenth day of the month of August, in the year of our Lord one thousand three hundred and ninety-one. And thus the sum total of our receipt

cionis de summa infrascripta se extendit die supradicto ad iii^{c} xxxii libras, de quibus dictam communitatem quietam clamamus per presentes de summa infrascripta.

Item nobis latamis infrascriptis remanet debens de claro ii^{c} iii^{xx} et viii lib. omnibus compotatis.

of the amount within written extends, on the day foresaid, to three hundred and thirty-two pounds, of which we by these presents discharge the said Community of the sum within written.

Item, remains clearly due to us, the masons within written, two hundred three score and eight pounds everything taken into account.

XV.

CHARTER by King Robert the Second to Adam Forster, of ten merks of sterlings out of the fermes of the Burgh of Edinburgh. Stirling, 25th February 1389–90.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laycis, salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Ade Forster, pro fidelo seruicio suo nobis facto, decem marcas sterlingorum de firmis nostris Burgi de Edynburgh, quas iam percipit Joneta Stury pro tempore vite sue: Tenendas habendas et percipiendas eidem Ade heredibus suis et assignatis postquam ad manus regias reuerse fuerint per decessum dicte Jonete, aut alicuius quomodolibet, de nobis et heredibus nostris in

ROBERT, by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we have given, granted, and by this our present charter have confirmed to our beloved and faithful Adam Forster, for his faithful service done to us, ten merks of sterlings from our fermes of the Burgh of Edinburgh, which Janet Stury now receives for the time of her life. To hold, have, and receive to the said Adam, his heirs and assignees, after they shall return to the royal hands by the decease of the said Janet, or of any other whom-

feodo et hereditate ad duos anni terminos consuetos, Pentecostes videlicet et sancti Martini in yeme, per porciones equales, et per manus balliuorum de Edynburgh qui pro tempore fuerint: Reddendo inde nobis et heredibus nostris dictus Adam heredes sui vel assignati vnum denarium argenti nomine albe firme si petatur, apud Edynburgh, ad festum Pentecostes annuatim tantum, pro omni alio seruicio seculari: In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum: Testibus venerabilibus in Christo patribus Waltero et Matheo, Sanctiandree et Glasguensis ecclesiarum episcopis; Johanne, primogenito nostro, de Carric, senescallo Scocie; Roberto de Fyfe et de Menteth, custode Scocie, filio nostro dilecto, Archebaldo de Douglas, comitibus; Jacobo de Douglas de Dalketh, et Thoma de Erskyne, militibus: Apud Striuelyne vicesimo quinto die Februarii anno regni nostri nonodecimo.

soever, of us and our heirs in fee and heritage, at two accustomed yearly terms, viz., Whitsunday and Martinmas in winter, by equal portions, and by the hands of the bailies of Edinburgh who shall be for the time. Giving, therefor, the said Adam, his heirs or assignees, to us and our heirs, one silver penny, if asked only, at Edinburgh, at Whitsunday yearly, for all other secular service. In witness whereof we have ordered our seal to be appended to our present charter: Witnesses, the venerable fathers in Christ, Walter and Mathew, bishops of the churches of St Andrews and Glasgow; John our first-born, earl of Carrick, Steward of Scotland; Robert, earl of Fyfe and of Menteth, Guardian of Scotland, our beloved son; Archibald earl of Douglas; James of Douglas of Dalketh, and Thomas of Erskyne, knights: At Striuelyne, the twenty-fifth day of February, in the nineteenth year of our reign.

XVI.

CHARTER by King Robert the Third, dated at Edinburgh, 3d December 1390, confirming Charter by King Robert the Second, dated at Perth, 14th February 1390, to the Chaplain of the Chapel of St Margaret, in the Castle of

Edinburgh, of eight pounds yearly from the great custom of Edinburgh.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciatis nos cartam recolende memorie domini progenitoris nostri domini Roberti quondam Regis Scottorum illustrissimi, vltimi predecessoris nostri, de mandato nostro visam, lectam, inspectam, et diligenter examinatam, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, intellexisse ad plenum, sub hac forma:

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue, clericis et laicis, salutem: Sciatis nos pro salute anime nostre et carissime quondam consortis nostre Eufamie Regine Scocie, necnon animarum recolende memorie Roberti et Dauid aui quondam et auunculi nostri, Regum Scocie, ac eciam omnium antecessorum et successorum nostrorum Regum Scocie, et pro animabus omnium fidelium defunctorum, dedisse concessisse et hac presenti carta nostra confirmasse Deo et Beate Marie Virgini, et Sancte Margarete Regine, ac Galfrido Lyttister, capellano celebranti in capella eiusdem Sancte Margarete Regine in Castro nostro de Edynburghe

ROBERT, by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we have fully understood a charter of the lord our father, of revered memory, the deceased lord Robert, most illustrious King of Scots, our last predecessor, by our command, seen, read, inspected, and diligently examined, not erased, not annulled, not cancelled, nor vitiated in any part; in this form:

ROBERT, by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we, for the weal of our soul, and for that of our deceased dearest wife, Euphemia, Queen of Scotland, and also of the souls of Robert and David, of revered memory, our deceased grandfather and uncle, Kings of Scotland, and also of all our ancestors and successors, Kings of Scotland, and for the souls of all the faithful deceased, have given, granted, and by this our present charter, have confirmed to God and the Blessed Virgin Mary and Saint Margaret the Queen, and to Geoffrey Lyttister, chaplain celebrating in the chapel of the said Saint Margaret the Queen, situated in our Castle

situata, et successoribus suis capellanis nostris perpetuo celebraturis in eadem, quorum presentacio ad nos et heredes nostros Reges Scocie perpetuo pertinebit, octo libras sterlingorum annuatim percipiendas de magna custuma nostra Burgi nostri de Edynburghe, per manus custumariorum nostrorum magne custume eiusdem qui pro tempore fuerint, ad duos anni terminos consuetos, Pentecostes videlicet et Sancti Martini in yeme per porciones equales: Tenendas et habendas ac percipiendas eidem Galfrido pro toto tempore vite sue, et successoribus suis capellanis nostris in dicta capella perpetuo celebraturis ut est dictum, cum omnibus et singulis libertatibus commoditatibus et aysiamentis, adeo libere et quiete plenarie integre et honorifice sicut aliqua capellania per nos aut antecessores nostros, Reges Scocie, infra regnum nostrum liberius est fundata: In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum: Testibus, venerabilibus in Christo patribus Waltero et Johanne, cancellario nostro, Sanctiandree et Dunkeldensis ecclesiarum episcopis; Johanne primogenito nostro de Carric, senescallo Scocie; Roberto de Fif et de Mentethe, filio nostro dilecto, Archebaldo de Douglas domino Galwidie, consanguineo nostro, comitibus; Jacobo de Douglas domino de Dalketh fratre nostro dilecto, et Thoma de

of Edinburgh, and to his successors, our chaplains who shall celebrate therein for ever, the presentation of whom shall belong always to us and our heirs, Kings of Scotland, eight pounds of sterlings yearly to be taken from our great custom of our Burgh of Edinburgh by the hands of the receivers of our great custom thereof who shall be for the time, at two accustomed terms of the year, viz., Whitsunday and Martinmas in winter, by equal portions: To hold and have and receive to the said Geoffrey, for the whole time of his life, and to his successors, our chaplains celebrating in the said chapel for ever, as aforesaid, with all and singular liberties, commodities, and easements, as freely, quietly, fully, wholly, and honourably as any chaplainry has been freely founded within our kingdom by us or our ancestors, Kings of Scotland: In witness whereof we have ordered our seal to be appended to our present charter: Witnesses, the venerable fathers in Christ, Walter and John, our chancellor, bishops of the churches of St Andrews and Dunkeld; John our eldest son, earl of Carric, steward of Scotland; Robert of Fif and of Mentethe, our beloved son; Archibald of Douglas, lord of Galloway, our cousin; James of Douglas, lord of Dalkeith,

Erskyne consanguineo nostro, militibus: Apud Perth quarto decimo die Februarii anno regni nostri nonodecimo..

Quam quidem cartam donacionemque et concessionem in eadem contentas, in omnibus punctis suis et articulis, condicionibus et modis, ac circumstanciis suis quibuscumque forma pariter et effectu, in omnibus et per omnia, approbamus, ratificamus, et pro nobis et heredibus nostris, ut premissum est inperpetuum confirmamus; saluo seruicio nostro: Et, excepto duntaxat quod vbi dictus Galfridus et successores sui predicti celebrare tenentur in capella beate Margarete Regine per cartam dicti domini quondam progenitoris nostri, volumus quod predictus Galfridus et successorés sui predicti in capella beate Marie Castri nostri predicti celebrare perpetue teneantur: In cuius rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum: Testibus, venerabilibus in Christo patribus, Waltero et Matheo Sancti Andree et Glasguensis ecclesiarum episcopis; Roberto de Fif et de Menetteth, fratre nostro dilecto, Archebaldo de Douglas domino Galwidie, consanguineo nostro, comitibus; Jacobo de Douglas domino de Dalketh, Thoma de Erskyne, consanguineis nostris dilectis, militibus; et Alexandro de Cocburn de Langtone custode magni sigilli nostri: Apud Edynburghe, tertio die Decembris, anno regni nostri primo.

our beloved brother, and Thomas of Erskyne, our cousin, knights: At Perth, the fourteenth day of February, in the nineteenth year of our reign.

Which charter, and the gift and grant contained therein, in all its points and articles, conditions, ends, and circumstances whatsoever, in the like form and effect, in all and through all, we approve, ratify, and for us and our heirs as aforesaid, for ever confirm; saving our service, and excepting only that where the said Geoffrey and his foresaid successors are bound to celebrate in the chapel of Saint Margaret the Queen, by the charter of the said lord our father, we will that the said Geoffrey and his foresaid successors be bound to celebrate for ever in the chapel of St Mary in our foresaid Castle: In witness whereof we have ordered our seal to be appended to our present charter of confirmation: Witnesses, the venerable fathers in Christ, Walter and Mathew, bishops of the churches of Saint Andrews and Glasgow; Robert of Fyf and of Menetteth, our beloved brother; Archibald of Douglas, Lord of Galloway, our cousin; James of Douglas, lord of Dalkeith, Thomas of Erskyne, our beloved cousins, knights; and Alexander of Cocburn of Langtone, keeper of our great seal: At Edinburgh, the third day of December, in the first year of our reign.

XVII.

GRANT by King Robert the Third to Thomas of Moffet of eight pounds of sterlings yearly from the great customs of the Burgh of Edinburgh. Edinburgh, 22d September 1390.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laicis, salutem: Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Thome de Moffet illum annuum redditum octo librarum sterlingorum debitum et exeuntem de magna custuma nostra Burgi de Edynburghe, qui fuit Thome de Moffet patris sui ex infeodacione hereditaria reuerende memorie quondam domini Roberti Dei gracia Regis Scottorum illustris, prout per cartam suam et alias euidencias recolende memorie excellentissimorum principum quondam Dauid et Roberti progenitoris nostri regum Scocie illustrium plene patet: Et quem annuum redditum idem Thomas pater, non vi aut metu ductus, nec errore lapsus, set mera et spontanea voluntate sua nobis per fustum et baculum sursum reddidit pureque et simpliciter resignauit, ac totum jus et clameum que in dicto annuo redditu habuit uel habere potuit pro se et heredibus suis omnino quietum clamauit im-

ROBERT, by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we have given, granted, and by this our present charter have confirmed to our beloved and faithful Thomas of Moffet, that annual rent of eight pounds of sterlings, due and issuing from our great custom of the Burgh of Edinburgh, which belonged to Thomas of Moffet, his father, by heritable infeftment of the deceased lord Robert by the grace of God illustrious King of Scots, of worthy memory, as plainly appears by his charter and other writings of the most excellent princes of worthy memory, the deceased David and Robert our father, illustrious Kings of Scotland; and which annual rent the said Thomas, the father, not compelled by force or fear, nor deceived by error, but of his mere and spontaneous will, surrendered to us by staff and baton, and purely and simply resigned, and for him and his heirs completely quitclaimed for ever the whole right and claim which he had or could have in the

perpetuum: Tenendum et habendum eidem Thome filio et heredibus suis de nobis et heredibus nostris in feodo et hereditate, adeo libere et quiete plenarie integre et honorifice, in omnibus et per omnia, sicut in carta dicti quondam regis Roberti antecessoribus dicti Thome inde confecta plenius continetur; saluo seruicio nostro: Quare camerario nostro Scocie et custumariis nostris Burgi de Edynburgh qui pro tempore fuerint, damus firmiter in mandatis quatinus dictum Thomam de dictis octo libris annui redditus singulis annis faciant integraliter deseruiri, quas in compotis suis annuatim inde reddendis visis ipsius Thome literis de recepto volumus et precipimus per presentes plenius allocari: In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum. Testibus, venerabilibus in Christo patribus Waltero et Matheo Sanctiandree et Glasguensis ecclesiarum episcopis; Roberto comite de Fif et de Meneteth fratre nostro dilecto, Archebaldo comite de Douglas domino Galwidie, Jacobo de Douglas domino de Dalketh, Thoma de Erskyne, consanguineis nostris, militibus, et Alexandro de Cocburne de Langtone custode magni sigilli nostri: Apud Edynburghe vicesimo secundo die mensis Septembris, anno regni nostri primo.

said annual rent: To hold and to have to the said Thomas the son and his heirs, of us and our heirs in fee and heritage, as freely, and quietly, fully, wholly, and honourably, in all and through all, as in the charter of the said deceased King Robert made thereupon to the ancestors of the said Thomas is more fully contained: Wherefore we firmly command our chamberlain of Scotland, and our receivers of the customs of the Burgh of Edinburgh who shall be for the time, that they cause the said Thomas to be paid in full the said eight pounds of annual rent in every year, which, the letters of receipt of the said Thomas being shown, we will and command by these presents shall be fully allowed in their yearly accounts rendered thereon: In witness whereof we have ordered our seal to be appended to our present charter: Witnesses, the venerable fathers in Christ Walter and Mathew, bishops of the churches of St Andrews and Glasgow; Robert, earl of Fife and of Meneteth, our beloved brother, Archibald, earl of Douglas, lord of Galloway, James of Douglas, lord of Dalkeith, Thomas of Erskyne, our cousins, knights; and Alexander of Cocburne of Langtone, keeper of our great seal: At Edinburgh, the twenty-second day of the month of September, in the first year of our reign.

XVIII.

GRANT by King Robert the Third to William Stewart of Jedworth, knight, of forty merks yearly from the great customs of Edinburgh and Linlithgow. Perth, 27th March 1392.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laicis, salutem: Sciatis nos dedisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Willelmo Senescalli de Jedworth militi, pro seruicio suo et speciali retinencia sua, nobis et Dauid Senescalli primogenito nostro comiti de Carric, pro toto tempore vite sue factis et continuandis, quadraginta marcas sterlingorum annuatim leuandas et percipiendas de magna custuma Burgorum nostrorum de Edynburgh et de Lynlithqu, proporcionaliter, ad festa Pentecostes et Sancti Martini in yeme, per manus camerarii nostri Scocie et custumariorum dictorum burgorum qui pro tempore fuerint per porciones equales: Tenendas et habendas dictas quadraginta marcas dicto Willelmo et heredibus suis de nobis et heredibus nostris in feodo et hereditate, libere quiete plenarie integre et honorifice bene et in pace, quousque nos uel heredes nostri dictum Willelmum et heredes suos in quadraginta marcatis

ROBERT, by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we have given, and by this our present charter have confirmed to our beloved and faithful William Stewart of Jedworth, knight, for his service and special adherence done and to be continued for the whole time of his life to us and to David the Steward, our eldest son, Earl of Carric, forty merks of sterlings, yearly to be taken and received from the great custom of our Burghs of Edynburgh and of Lynlithqu, proportionally, at Whitsunday and Martinmas in winter, by the hands of the chamberlain of Scotland, and of the receivers of the customs of the said Burghs who shall be for the time: To hold and to have the said forty merks to the said William and his heirs of us and our heirs in fee and heritage, freely, quietly, fully, wholly, and honourably, well and in peace, until we or our heirs heritably infeft the

terre in loco competenti hereditarie infeodauerimus: Quare camerario nostro Scocie et custumariis burgorum nostrorum de Edynburgh et de Linlithqu firmiter precipimus et mandamus quatinus dictas quadraginta marcas dicto Willelmo et heredibus suis annis singulis plene et integre persolui faciant, quousque eis constiterit nos uel heredes nostros dictum Willelmum et heredes suos in quadraginta marcatis terre in loco competenti hereditarie infeodasse, quas quidem quadraginta marcas sibi in compotis suis annuis inde reddendis volumus allocari: In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum: Testibus, venerabilibus in Christo patribus Matheo et Gilberto Glasguensis et Aberdonensis ecclesiarum episcopis, Roberto de Fyffe et de Meneteth fratre nostro carissimo, Archibaldo de Douglas domino Galwidie consanguineo nostro, comitibus, Jacobo de Douglas, domino de Dalketh, Thoma de Erskyn, consanguineis nostris dilectis, militibus, et Alexandro de Cokburne de Langton, custode magni sigilli nostri: Apud Perth vicesimo septimo die Marcii, anno regni nostri secundo.

said William and his heirs in forty merks of land in a fit place: Wherefore we strictly charge and command our chamberlain of Scotland, and the receivers of the customs of our Burghs of Edynburgh and of Lynlithqu, that they cause the said forty merks to be fully and completely paid to the said William and his heirs in every year, until it is shewn to them that we or our heirs have heritably infeft the said William and his heirs in forty merks of land in a fit place, which forty merks we will shall be allowed to them in their yearly accounts rendered thereof: In witness whereof we have ordered our seal to be appended to our present charter: Witnesses, the venerable fathers in Christ, Mathew and Gilbert, bishops of the churches of Glasgow and Aberdeen; Robert of Fyffe and of Menoteth, our dearest brother; Archibald of Douglas, lord of Galloway, our cousin; James of Douglas, lord of Dalketh, Thomas of Erskyn, our beloved cousins, knights; and Alexander of Cokburne of Langton, keeper of our great seal: At Perth, the twenty-seventh day of March, in the second year of our reign.

XIX.

GRANT by King Robert the Third to William of Lyndesay, knight, of forty merks yearly from the great customs of Edinburgh and Haddington. Edinburgh, 2d January 1392–3.

ROBERTUS Dei gracia Rex Scottorum: Omnibus probis hominibus tocius terre sue clericis et laicis, salutem: Sciatis nos dedisse concessise et hac presenti carta nostra confirmasse dilecto et fideli Willelmo de Lyndesay militi, pro homagio et seruicio suo nobis impensis et pro toto tempore vite sue impendendis, quadraginta marcas sterlingorum annuatim leuandas et percipiendas de magna custuma nostra Burgorum nostrorum de Edynburgh et de Hadingtone per manus camerarii nostri Scocie et custumariorum nostrorum ibidem qui pro tempore fuerit uel fuerint, proporcionaliter ad festa Pentecostes et Sancti Martini in hyeme, videlicet, viginti marcas de quolibet supradicto quolibet anno: Tenendas et habendas eidem Willelmo et heredibus suis de nobis et heredibus nostris in feodo et hereditate imperpetuum, libere quiete plenarie integre et honorifice bene et in pace, quousque nos uel heredes nostri dictum Willelmum et heredes suos in quadraginta marcatas terre cum pertinenciis in loco competenti extra partes insulanas, videlicet, in terris basis et inferioribus regni nostri

ROBERT, by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we have given, granted, and by this our present charter have confirmed to the beloved and faithful William of Lyndesay, knight, for his homage and service done and to be done to us, for the whole time of his life, forty merks of sterlings, to be levied and taken yearly from our great custom of our Burghs of Edinburgh and of Haddington by the hands of our chamberlain of Scotland and the receivers of our customs there, who shall be for the time, proportionally, at Whitsunday and Martinmas in winter, viz., twenty merks thereof at each term in every year: To hold and to have to the said William and his heirs of us and our heirs in fee and heritage for ever, freely, quietly, fully, wholly, and honourably, well and in peace, until we or our heirs infeft by charter the said William and his heirs in forty merks of land, with the pertinents, in a proper place not within the islands, but in the lowlands

per cartam nostram infeodauerimus, uel nos et heredes nostri dicto Willelmo et heredibus suis quatuor centum marcas sterlingorum vno die inter solis ortum et occasum plenarie persoluerimus: Quare camerario nostro Scocie custumariisque nostris Burgorum nostrorum de Edynburgh et de Hadingtone qui pro tempore fuerit uel fuerint districte precipimus et mandamus quatinus dictum Willelmum et heredes suos predictos de dictis quadraginta marcis sterlingorum annuatim ad terminos predictos plene faciant deseruiri; quousque sibi constiterit nos uel heredes nostros dictum Willelmum et heredes suos predictos ut premittitur de quadraginta marcatis terre in loco competenti hereditarie infeodasse, uel nos et heredes nostros dicto Willelmo et heredibus suis quatuor centum marcas sterlingorum uno die ut supra plenarie persoluisse: Quas quidem quadraginta marcas sibi in compotis suis annuis inde reddendis visis ipsius Willelmi et heredum suorum predictorum literis de recepto plene volumus allocari: In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum: Testibus, venerabilibus in Christo patribus Matheo et Gilberto Glasguensis et Aberdonensis ecclesiarum episcopis, Roberto de Fyf et de Menteth fratre nostro carissimo, Archibaldo de Douglas domino Galwdie consanguineo nostro, comitibus, Jacobo de Douglas

of our kingdom, or until we and our heirs shall fully pay to the said William and his heirs four hundred merks of sterlings on one day between sunrise and sunset: Wherefore we strictly charge and command our chamberlain of Scotland and the receivers of the customs of our Burghs of Edinburgh and Haddington who shall be for the time, that they cause the said William and his heirs to be fully paid the foresaid forty merks of sterlings yearly at the foresaid terms, until it shall be shown to them that we or our heirs have heritably infeft the said William and his foresaid heirs, as above, in forty merks of land in a competent place; or that we or our heirs have fully paid the said William and his heirs four hundred merks of sterlings on one day as above; which forty merks, the letters of receipt of the said William and his foresaid heirs being shewn, we will shall be fully allowed in their yearly accounts rendered thereon: In witness whereof we have ordered our seal to be appended to our present charter: Witnesses, the venerable fathers in Christ Mathew and Gilbert, bishops of the churches of Glasgow and Aberdeen; Robert of Fyf and of Menteth, our dearest brother; Archibald of Douglas, lord of Galloway, our cousin; James of Douglas,

domino de Dalketh, Thoma de Erskine, consanguineis nostris dilectis, militibus, et Alexandro de Cokburne de Langtone custode magni sigilli nostri: Apud Edynburgh secundo die Januarii anno regni nostri secundo.

lord of Dalkeith, Thomas of Erskine, our cousins, knights; and Alexander of Cokburne of Langtone, keeper of our great seal: At Edinburgh, the second day of January, in the second year of our reign.

XX.

GRANT by Sir Robert Logan, lord of Lestalryk, to the Community of Edinburgh of certain rights in and near the town and lands of Leith. Edinburgh, 31st May 1398.

OMNIBUS hoc scriptum visuris uel audituris Robertus Logan, miles, dominus de Lestalryk, salutem in Domino sempiternam: Noueritis me, consideratis benemeritis subsidiis continuacione amicicie et fauoris honorabilium virorum et conuicinorum meorum, Burgensium et Communitatis Burgi de Edynburgh, dedisse, concessisse, et hoc presenti scripto meo confirmasse dictis Burgensibus et Communitati liberam potestatem facultatem et licenciam fodendi jactandi et asportandi terram meam et sabulum iacentes super ripam siue litus aque de Lethe et circiter vbilibet, vt eis opus commodum, ut indigencia fuerit ad ampliacionem elongacionem et constructionem portus sui de Lethe quando et quociens eis placuerit et

TO all who shall see or hear this writing, Robert Logan, knight, lord of Lestalryk, wishes eternal salvation in the Lord: Know ye that, having considered the good deeds, succours, and continuance of regard and favour of honourable men, and my neighbours the Burgesses and Community of the burgh of Edinburgh, I have given, granted, and, by this my present writing, have confirmed to the said Burgesses and Community full power, faculty, and license of digging, casting, and carrying away my earth and sand lying upon the bank or shore of the Water of Leith, and anywhere near that they may consider necessary for their undertaking, for enlarging, lengthening, and constructing their port of Leith when and where they please, and for placing and making

ad situacionem et facturam pontis super dicta aqua de Lethe super et infra terram meam ibidem vbicunque eis magis videbitur expediens; et quod dicti Burgenses et Communitas prefata et alii quecunque, cum suis et eorum nauibus et vasis quibuscunque, ad dictum portum applicantes, suas ancoras et nauium ac vasorum ligamina ponant et fingant vbilibet in terram meam extra dictum portum vt eis vtilem et visum fuerit faciendum, absque arresta, impedimento, contradictione, calumpnia et demanda mei officiariorum heredum et assignatorum quorumcunque. Et ad liberiorem et faciliorem ingressum ad portum predictum et exitum ab eodem, dedi, concessi, do eciam tenore presentis scripti et concedo, pro me heredibus meis et assignatis, Burgensibus et Communitati burgi de Edynburgh predictis communes vias meas et semitas et transitus vbilibet per terras baronie mee de Lestalrik et ville de Lethe ad ipsum portum predictum extendentes, vna cum potestate et licencia liberis ad faciendum vsitandum et construendum nouas vias alias in longitudine et latitudine omni modo eis sufficientes ad eorum commodum et indigenciam vbilibet per baroniam meam de Lestalrik et villam de Lethe, pro eorum et successorum suorum libito voluntatis, ad eorum portum de Lethe predictum, terris aratis, pratis, et cuniculario meo vbi nunc existit et jacet

a bridge over the said Water of Leith, upon and within my land there, wherever it shall seem to them most expedient; and that the said Burgesses and Community foresaid, and others whatsoever, arriving at the said port with their ships and vessels, may place and affix the anchors and other tackling of their ships and vessels wherever they may consider necessary and proper on my land beyond the said port, without stop, impediment, contradiction, accusation, or demand of me, my officers, heirs, and assignees whatsoever: And for the more free and easy entry to the foresaid port, and going forth of the same, I have given, and granted, and, by the tenor of the present writing, give and grant for me my heirs and assignees to the foresaid Burgesses and Community of the Burgh of Edinburgh, my common roads, paths, and passages whatsoever, through the lands of my barony of Lestalrik and Town of Leith, leading to the foresaid port, together with full power and liberty to make use and construct other new roads in length and breadth sufficient to them for their accommodation and use wherever they or their successors please through my barony of Lestalrik and town of Leith, to their foresaid Port of Leith; excepting and excluding only the arable lands,

videlicet, a pauimento et orientali parte cuiusdam lati transitus ducentis ab orientali parte ville de Lethe vsque ad mare duntaxat exceptis et exclusis : Insuper, tenore presentis scripti mei do et concedo predictis Burgensibus et Communitati prefati Burgi de Edynburgh, pro me heredibus meis et assignatis plenariam licenciam, libertatem et facultatem ad adducendum [et] portandum bona sua vniuersa vbicunque voluerint super terram meam et ea et alia mercatorum suorum bona quecunque super dictas terras meas ponendum demittendum remouendum et abducendum et ipsa illibi per suos seruientes ducendum onerandum, et de nauibus et vasis aliis quibuscunque, exonerandum et decarcandum absque arresta impedimento seu contradictione aliquali : Tenendas et habendas predictas vias, semitas, et transitus, necnon licencias, potestates, libertates et facultates antedictas, prefatis Burgensibus et Communitati, eorumque heredibus et successoribus, hereditarie inperpetuum, in longitudine et latitudine, adeo libere, plenarie, honorifice, bene, et in pace, sicut alique vie regie, semite et transitus, necnon libertates, licencie, et facultates infra regnum Scocie de domino nostro Rege uel alio quocunque liberius, melius, quiecius, integrius, et pacificencius tenentur,

meadows, and my rabbit warren, where the same now exists and lies, namely, from the pavement and east side of a certain wide road leading from the east side of the town of Leith to the sea : Moreover, by the tenor of the present writing, I give and grant to the foresaid Burgesses and Community of the the foresaid Burgh of Edinburgh for me my heirs and assignees, full license, liberty, and faculty to lead and carry all their goods wherever they will upon my lands, and these and all other goods of their merchants upon my said lands to place, set down, receive and carry away ; and the same from thence by their servants, to lead, load, unload, and disembark from ships and other vessels whatsoever without any stop, impediment, or contradiction : To hold and to have the foresaid ways, paths, and passages, as also the licenses, powers, liberties, and faculties aforesaid, to the foresaid Burgesses and Community, and their heirs and successors heritably for ever, in length and breadth, as freely, fully, honourably, well and in peace, as any highways, paths, and passage, as also liberties, licences, and faculties within the kingdom of Scotland, are held, given, granted, or given in feu of our Lord the King or of any other person whomsoever, or can in any

dantur, conceduntur et infeodantur aut teneri, dari, concedi uel infeodari poterunt quoquomodo. Renunciando pro me, heredibus meis et assignatis pro perpetuo, tabernacioni vini, pisture panis venalis, tentacionem et sustentacionem botharum mercaturarum, garnerii bladorum, ac omnibus aliis que sunt contra libertates aut consuetudines prefati burgi ita quod nec ego, prefatus Robertus, heredes mei uel assignati, aut aliquis nomine nostro uel ex parte, dictam tabernacionem vini pisturam panis venalis, bothas mercaturarum et garneria bladorum predictas tenebimus, aut tenebunt teneri per alios, aut haberi, infra villam et terram de Lethe antedictas aut circiter permittemus in posterum quouismodo: Promitto insuper bona fide, dictam meam concessionem in omnibus, modo forma et effectu quibus premittitur, tenere et obseruare, et in omnibus secundum scire et posse meum teneri per alios et obseruare manuteneri et defendi, absque dolo, fraude, excepcione, facinore et malo ingenio quibuscunque: Ego vero predictus Robertus Logan, heredes mei et assignati, ipsas vias, semitas, et transitus, necnon libertates potestates, facultates et licencias predictas, dictis Burgensibus et Communitati, eorumque heredibus et successoribus, contra omnes mortales warranti-

way be freely, well, quietly, wholly, and peacefully held, given, granted, or given in fee: Renouncing for me, my heirs and assignees for ever, the keeping of taverns for wine, the grinding of bread for sale, the holding and keeping of shops for merchandise, of girnells for victual, and all other things which are against the liberties and customs of the foresaid Burgh; so that neither I, the foresaid Robert, my heirs or assignees, nor any in our name or behalf, shall in any way keep, or shall cause to be kept by others, or permit to be held, the said taverns for wine, grinding of bread for sale, shops for merchandise and girnells for victual, within the foresaid town and land of Leith or thereabout, in any manner of way in time coming: I promise, moreover, in good faith, to keep and observe my said grant in all things, in the manner, form, and effect as aforesaid, and in all things to cause it to be observed, maintained, and defended by others according to my knowledge and power, without deceit, fraud, exception, guile, and evil imagining whatsoever: And I, the foresaid Robert Logan, my heirs and asignees, shall warrant, acquit, and for ever defend the said roads, paths, and passages, as also the liberties, powers, faculties, and licenses aforesaid to the said Burgesses and Community, and their heirs and successors, against all

zabimus, acquietabimus, et inperpetuum defendemus: Et si contingat, me heredes meos aut assignatos, aut quoscunque alios uel alium nomine nostro uel ex parte, contra premissa uel aliquod premissorum, clam uel palam, deuenere contradicere aut litem mouere in iudicio uel extra, quod absit, obligo me, heredes meos et assignatos et alios quoscunque contrauenientes uel contrauenientem litem mouentes seu mouentem, in ducentis libris sterlingorum, dictis Burgensibus et Communitati, nomine dampnorum expensarum, et laborum leuandis et capiendis et percipiendis et in centum libris sterlingorum fabrice ecclesie Sancti Andree, nomine pene, applicandis, ante alicuius litis uel placiti ingressum, presenti tamen scripto in suo robore permanentu; subieciendo nos in hiis, si casus, quod absit, eueniat, jurisdiccioni et cohercioni domini episcopi Sancti-andree seu euis officialis qui pro tempore fuerit: In cuius rei testimonium sigillum meum presenti scripto meo est appensum; et ad maiorem huius rei euidenciam, sigillum eciam nobilis et potentis viri ac consanguinei mei carissimi, domini Willelmi de Conyngham militis, domini de Kylmawrys huic similiter apponi cum instancia procurani: Apud Edynburgh vltimo die mensis Maii, anno Domini millesimo ccc^{mo} nonogesimo octauo.

mortals: And if it shall happen that I, my heirs or assignees, or any other or others in our name or behalf, do anything openly or secretly, or contradict or commence a suit in court or without against all or any of the premises (may which never happen), I oblige me my heirs and assignees, and others whomsoever, contravening, or commencing a suit, in one hundred pounds of sterlings to be levied taken and received by the said Burgesses and Community, in name of damages, expenses, and labours; and in one hundred pounds of sterlings to be applied to the fabric of the church of St Andrews, in name of penalty, before the commencement of any suit or plea, the present writing always remaining in force, subjecting ourselves in these matters, if the case should happen, may which never be, to the jurisdiction and rule of the lord bishop of St Andrews, or his official who may be for the time: In witness whereof my seal is appended to the present writing; and for the greater proof hereof I have urgently procured to be likewise appended the seal of another noble and powerful man, and my dearest cousin, Sir William of Conyngham, knight, lord of Kylmawrys: At Edinburgh, the last day of the month of May, in the year of our Lord one thousand three hundred and ninety eight.

XXI.

GRANT by Sir Robert Logan of Lestalrig to the Community of Edinburgh of a piece of ground in Leith. Edinburgh, 27th February 1413–14.

IN Dei nomine Amen: Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno Domini millesimo quadringentesimo decimo tercio, mensis vero Februarii die penultima, indictione sexta, pontificatus sanctissimi in Christo patris ac domini nostri domini Benedicti diuina prouidencia Pape xiii. anno xix°. In mei notarii publici ac testium subscriptorum presencia personaliter constitutus nobilis dominus, dominus Robertus Logan miles, dominus baronie de Lestalrig, dedit concessit et confirmauit Communitati Burgi de Edinburgh pro vtilitate reipublice dicti Burgi, quod totum illud spacium terre iacentis in villa de Leth inter portam Johannis de Petindrech ex parte vna et murum nouiter tunc constructum in ripa aque de Leth ex parte altera, remaneat integrum quitum vacuum et liberum dicte communitati imperpetuum pro eorum bonis et mercimoniis in eadem terra reponendis, et per eandem terram cariandis ad mare et a mari, ita quod nichil in eadem terra construetur seu edificabitur in futurum in nocumentum seu impedimentum dicti Communitatis

IN the name of God, Amen: By this present public instrument, let it appear evidently to all, that in the year of our Lord one thousand four hundred and thirteen, on the twenty-seventh day of the month of February, in the sixth indiction, in the nineteenth year of the pontificate of the most holy father and lord in Christ, our lord Benedict XIII., by divine providence, Pope; in presence of me notary public and the witnesses underwritten, personally compeared a noble lord, Sir Robert Logan, knight, lord of the barony of Lestalrig, and gave, granted, and confirmed to the Community of the Burgh of Edinburgh, for the good of the commonwealth of the said Burgh; that the whole space of land lying within the town of Leith, between the gate of John of Petendreeh on the one part, and the wall then newly built on the bank of the water of Leith on the other part, should remain whole, quit, void, and free to the said Community for ever, for their goods and merchandise to be placed on the said land, and to be carried to and from the sea there through, so that nothing should be built or constructed on the said land in future, to the prejudice or impediment of the said Community by the

per dominum aut alium seu alios quoscunque vnde dicta Communitas et Burgenses dampnum vel detrimentum in aliquo paciantur: Super quibus omnibus et singulis dicta communitas petiit per me notarium subscriptum sibi fieri publicum instrumentum. Acta fuerunt hec in pretorio dicti Burgi in plena curia eiusdem tenta ibidem anno die mense indictione et pontificatu supradictis: Presentibus nobilibus viris Georgio de Lawedre tunc preposito dicti Burgi, Willelmo de Turribus de Crawmond, Willelmo de Edmondston, scutifero, Jacobo Cant tunc decano gilde Johanne Clerk de Lanark, Andrea de Lermwth et Willelmo de le Wod tunc balliuis eiusdem Burgi, testibus ad premissa vocatis in dicta plena curia specialiter et rogatis.

Et ego Johannes Tripnay clericus Sanctiandree diocesis publicus auctoritate imperiali notarius: Dum omnia et singula premissa agerentur vt premittitur dicerentur et fierent, vna cum prenominatis testibus, in dicta plena curia, presens interfui personaliter, eaque sic fieri dici et expediri vidi, et audiui, et in notam recepi, indeque presens publicum instrumentum confeci, et in hanc publicam formam redegi, manuque mea propria scripsi, et hic me subscripsi ac signum meum apposui, requisitus in testimonium veritatis.

lord or any other or others whomsoever, by which the said Community and Burgesses should sustain damage or hurt in any manner: Upon all and sundry which things the said Community asked a public instrument to be made for them by me, notary public, underwritten: These things were done in the Tolbooth of the said Burgh, in the open court thereof held there, in the year, day, month, indiction and pontificate, aforesaid: There being present, noble men, George of Lawedre, then provost of the said Burgh; William of Touris of Crawmond; William of Edmondston, esquire; James Cant, then dean of guild, John Clerk of Lanark, Andrew of Lermwth, and William of the Wod, then baillies of the said Burgh, witnesses to the premises specially called and required in the said full court.

And I, John Tripnay, clerk of the diocese of St Andrews, notary public by imperial authority, was personally present in the said full court, together with the above named witnesses, while all and sundry the premises were discussed and performed as aforesaid; and I saw and heard them so done and performed, and thereof made a note from whence I have made this present public instrument, and have reduced it to this public form, have written it with my own hand, have subscribed it and affixed my sign, being thereto required, in testimony of the truth.

XXII.

LEASE by Dene John of Leith, sometime abbot of Holyroodhouse, to the Burgh of Edinburgh of the Canon Mills, for five years. Edinburgh, 12th September 1423.

THIS Endenture made at Edinburgh the tuelf day of the moneth of September the yhere of our Lorde God a thousand foure honder tuenti thre yere, betuex a reuerend fadre Dene Johne of Leth quhylum Abbot of Halirudehouse, of the tapart, and honorable men Johne of Leuyntone alderman, Thomas of Berwyk dene of the gilde, Richarde Lamb and Robert of Bonkyl baylyes, of Edinburgh, and sindri of the Comons on the tothir parte, contenis proportis and beris witnes that the saide Dene John has set and to ferme latin to the saide Alderman Baylyes and Dene, as to the common profite of the Burgh, the Canoune Millis the quhilk ar assignit to hym in his pensione, witht the landis housis and yardis pertenand to thir millis, and with the suckins thryl multris and al freedomes langand [thairto] for the termes of fyve yheres; enterand the saide Alderman Dene and Baylyes of the commons behalfe at Martimes next to comme efter the date of [this I]ndenture, and joysand yhere be yhere and terme in terme freeli quitli continuali wele and in pece quhil the saide fyve yhere be fulleli bipassit, the Baylyes [of] the saide Burgh payand of the c[omo]n purse and of the comons behalf to the saide Dene Johne or til his assigne yherli nyne ponde and tenne schillingis at the festes of the Purificacion of o[ur La]dy Saint Mari the Virgine and Saint Petris day [callit] Lammes be twa evin porcions: the saide Dene John grauntis hym neuertheles tobe pay it] beforhand the male and the hale payment aucht [to him] of the saide fyve yhere; of the quhilk [he haldis hym content and fulleli paiit, and the said Alderman D]ene Baylyes and al the Comons of Edinburgh for . . . . . at the saide millis may langto quitclamis . . . . . be thir endenturis. It salbe leeful her-a[fte]r to the saide Dene Johne and to the Abbot of Halirudehous [to have th]air corne grundin at the saide millis til thair . . . . . durand the saide tak, payand of the chaldre as vse and custume is and as thai war

wont to pay . . [Alde]rman the Baylyes and the [Comons] sal deliuer uppe . . . . . thair termes the saide millis free as thai aw ado. Alsua the saide Dene Johne sal warand acquit [and de]fende the saide tak [of the said mil]lis til the [said Alderm]ene the Baylyes and to the Communite of the saide Burgh agaynes al deedeli but fraude and ghile. A . . . . . of quhat gud[dis salbe br]ocht be the burges[es of the said] Burgh of schippis cumman of auentur . the saide Dene Johne sal haf til his proper vse as aff[eris] . . . . . the price made to the common profite of this . . . . . [And for the] condicionis fermeli to be kepit the seelis of the saide Dene Johne and the [Communite] of Edynburgh to thir Endenturis [ar to hung]gin the place the day moneth and yhere before expremit.

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XXIII.

OBLIGATION by the Burgh of Edinburgh, to pay to King Henry the Sixth of England 50,000 merks of English money, on account of the expenses of King James the First of Scotland, during his captivity in England, in the event of that sum not being paid by King James himself. 16th February 1423–4.[1]

UNIUERSIS presentes literas inspecturis seu audituris pateat et sit notum quod cum nuper de et super liberacione serenissimi principis et

TO all who shall see or hear the present letter, be it manifest and known that, when lately for the liberation of the most serene prince and our Lord James,

[1] Similar obligations were granted by the Provost, Bailies, and Community of each of the Burghs of Perth, Dundee, and Aberdeen; those of Perth and Dundee are dated 20th February, and that of Aberdeen 18th February 1423. They are stitched to the above Obligation by the Burgh of Edinburgh, and, like it, are preserved in the Record Office, London.

domini nostri Domini Jacobi Regis Scottorum inter serenissimum principem Henricum Regem Anglie de auisamento consilii sui, ex vna parte, et dictum Dominum Jacobum ac certos ambassatores regni Scocie ad regnum Anglie, occasione liberacionis hujusmodi transmissos, ex altera; inter cetera, concordatum appunctuatum et conclusum existat, quod dictus Jacobus Rex soluet prefato Henrico Regi Anglie ipsiusue successoribus et heredibus aut eorum deputatis seu deputandis, in ecclesia Sancti Pauli Londonie in Anglia, quadraginta millia librarum bone et legalis monete Anglie; videlicet, in ecclesia Sancti Pauli predicta, decem millia marcarum monete predicte, infra sex menses computandos a primo die primi sui ingressus in regnum suum Scocie, uel per eum steterit quominus ingrediatur. Et quolibet anno extunc sequente incipiendo annum a fine anni, computandi a primo die ingressus sui predicti, in ecclesia Sancti Pauli predicta, decem millia marcarum, quousque dicta quadraginta millia librarum fuerint integre persoluta. Ac quod, pro securitate solucionis predicte fiende, predictus Dominus Jacobus Rex literatorie sub suo sigillo se obliget ceterique ponantur obsides, et litere eciam Quatuor Burgorum siue Villarum regni Scocie

King of Scots, between the most serene prince Henry King of England, with the advice of his council on the one part, and the said Lord James and certain ambassadors of the kingdom of Scotland, sent to the kingdom of England regarding the said liberation on the other part, among other things, it was agreed, appointed, and concluded, that the said king James should pay to the said Henry King of England, or his heirs and successors, or to those deputed or to be deputed by them, in the church of St Paul of London in England, forty thousand pounds of good and lawful English money, viz., in the church of St Paul aforesaid, ten thousand merks of money foresaid within six months, to be computed from the first day of his entry into his kingdom of Scotland, or whenever he shall appoint his entry; and in every year thereafter, beginning the year from the end of the year, to be computed from the first day of his entry aforesaid, in the church of St Paul aforesaid, ten thousand merks, until the said forty thousand pounds shall have been fully paid; and that in security of the payment aforesaid being made, the foresaid Lord King James should bind himself by writing under his seal, and other hostages should be given, and obligatory letters also of the Four Burghs or towns

concordatorum, videlicet, de Edinburgh, Perth, de Dunde et de Aberden, obligatorie prefato Regi Anglie tradantur et liberantur.

NOS Prepositus et Balliui Burgi siue Ville de Edinburgh predicti ac Communitas eiusdem ad sonum campane ut moris est in domo nostra communi ad infrascripta specialiter congregati, et Communitatem nostre Ville facientes, ac considerantes prefati Domini Jacobi Regis liberacionem, non solum nobis set eciam toti regno Scocie pro ipsius bono regimine desideratissimam et ipsius aduentum a multis diebus exspectatum nobis et toti regno suo fore jocundissimum; ac propterea volentes predicta appunctuamenta et conclusa quantum ad nos cum effectu exequi et perimplere, de prefati Domini Jacobi Regis consensu et voluntate scienter sponte, et in veritate, dicimus fatemur ac nomine nostro omnium et singulorum et communitatis nostre predicte recognoscimus si prefatus Dominus Jacobus Rex loco et termino seu terminis appunctuato seu appunctuatis non soluerit et non obseruauerit, vt predictum est, Nos et successores nostros obligatos prefato Regi Anglie et ipsius heredibus et successoribus in quinquaginta millibus

of the kingdom of Scotland, viz., of Edinburgh, Perth, Dundee, and Aberdeen, should be delivered and granted to the foresaid King of England.

WE, the Provost and Bailies of the Burgh or Town of Edinburgh aforesaid, and the Community of the same, being specially convened for the matters underwritten at the sound of the bell, as use is in our townhouse, and there constituting the head court of our town; and considering that the liberation of our foresaid Lord King James, a thing most anxiously to be desired, not only by us, but by the whole kingdom of Scotland for its good government, and that his arrival, looked forward to for so many days, would be most joyful events to us and the whole kingdom; and moreover, wishing effectually to carry out and fulfil the foresaid appointments and agreements as far as they concern us, with the consent and permission of the said King, knowingly, of our own accord and in truth, say, declare, and in name of ourselves and all and sundry of our community aforesaid, become bound that if our said Lord King James shall not at the place and at the term or terms appointed, have made payment and observed the stipulations as aforesaid, we and our successors are bound to the foresaid Henry King of England, and his heirs and

marcarum, bone et legalis monete Anglie. Quam quidem summam quinquaginta millium marcarum vice ac nominibus nostrum omnium et singulorum ac communitatis nostre, pro nobis et successoribus nostris, promittimus et vnusquisque nostrum principaliter pro se herede et successore suo insolidum promittit in casu non solucionis et non obseruacionis predictarum, soluere dicto Henrico Regi Anglie et heredibus suis et ipsius successoribus uel eorum certo nuncio presentes literas seu earum ipsius transumptum deferenti vel habenti in ecclesia Sancti Pauli Londonie in Anglia, infra mensem computandum a tempore seu termino, quo primo prefatus Jacobus Rex in soluendo, contra appunctuamentum in ea parte habitum, et superius recitatum, defecerit, absque dilacione vlteriori. Volumus insuper et concedimus per presentes, pro nobis et successoribus nostris, vt ipse Henricus Rex Anglie predictus ipsiusve heres aut quiuis successor possit, foro priuilegio non obstante, nos et successores nostros, et quemlibet nostrum in solidum, et quem voluerit, vice et nomine Communitatis nostre et ipsam Communitatem, vbique locorum atque terrarum, in omni foro et sub quocumque judice tam ecclesiastico quam seculari, et omni curia, ad solucionem summe

successors, in fifty thousand merks of good and lawful English money. Which sum of fifty thousand merks on the part and in name of ourselves all and sundry, and of our Community, we for ourselves and our successors promise, and each of us as a principal for himself and his heir *in solidum* promises, in case of the non-payment and non-observation of the stipulations aforesaid, to pay to the said Henry King of England, and his heirs and successors, or his or their accredited ambassador, bearing or having the present letters, or a transumpt of the same, in the church of St Paul of London in England, within one month computed from the time or term when the said King James, contrary to the appointment made in that matter and above recited, shall have failed in payment, without any farther delay. We will, moreover, and by these presents, grant for ourselves and our successors that the said Henry King of England, or his heir or successor whomsoever, shall, the privilege of forum notwithstanding, have power to convene us and our successors and each of us *in solidum*, and whoever he shall first determine on, on the part and in name of our Community and the Community itself, in any place or territory, in any forum, and before any judge, whether ecclesiastical or secular, in any court, for

predicte, in parte uel in toto, conuenire, non obstante uel preiudicante sibi vt si partem debiti in iudicio uel extra exigerit uel reciperit ab aliquo nostrum, non ideo minus possit ipsum eundem uel eciam reliquos nostrum, et quem nostrum maluerit ad residuum summe uel debiti hujusmodi principaliter et in solidum conuenire. Promittentes nos non probare solucionem aut liberacionem hujusmodi debito fere factam nisi per presentes literas incisas uel cancellatas aut acquietanciam sub magno sigillo Regis Anglie in hac parte conficiendam. Pro solucione vero supradicta ceterisque premissis fideliter ac firmiter perimplendis obligamus nos et nostrum quemlibet per se principaliter et in solidum, nomine et vice nostre Communitatis predicte et nostram Communitatem ac omnia bona nostra propria et Communitatis nostre antedicte presencia et futura vbicumque locorum et terrarum inuenta. Renunciantes excepcioni rei non sic geste, beneficio lesionis, restitucionis et circumuencionis, juris canonice et ciuilis auxilio, omni statuto, consuetudini, priuilegio, et omni juri, per quod generalis renunciacio reprobatur vel dicitur non valere; ac omnibus aliis excepcionibus allegacionibus et defencionibus que possunt contra presentes literas uel contenta in

payment of the sum aforesaid in part or in whole, there being no impediment or prejudice to him, although he shall have exacted or recovered from any of us a part of the debt either judicially or otherwise, from convening or suing as a principal and *in solidum* that same individual or the rest of us, or whomsoever he prefers for the balance of this sum or debt, promising that we shall not prove the payment or discharge of this debt, unless by the present letters being cut or cancelled, or an acquittance hereof made under the great seal of the King of England: For payment, moreover, above mentioned, and for the faithful and sure implementing of the other premises, we bind ourselves and each of us for himself, as principal and *in solidum*, in the name and on the part of our Community aforesaid, and the Community itself and all the goods belonging to ourselves individually, and to our Community aforesaid, present and future in whatever place or territory they may be found. Renouncing the exception of *rei non sic gestae*, the benefit of lesion, restitution and circumvention, the aid of the canon and civil law, all statutes, customs, privileges, and all laws by which a general renunciation is reprobated or said not to be of force; and all other exceptions, allegations, and defences which can be objected or opposed

eisdem obici uel opponi. In cuius rei testimonium atque fidem sigillum nostrum commune presentibus est appensum apud Edunburgh, decimo sexto die mensis Februarii, anno Domini millesimo quadringentesimo vicesimo tercio.

to the present letters or the provisions contained in the same. In faith and testimony of all which our common seal is appended to these presents, at Edinburgh, the sixteenth of February, the year of our Lord one thousand four hundred and twenty-three.

XXIV.

LETTER by King James the First, undertaking to indemnify the Four Burghs of Edinburgh, Perth, Dundee, and Aberdeen, of the sum of 50,000 merks of English money, for which they had become bound to the King of England. Durham, 26th March 1424.

JACOBUS Dei gratia Rex Scottorum: Omnibus hominibus clericis et laicis regni nostri notum facimus nos auctoritate nostra regia teneri et tenore presencium firmiter et fideliter obligari dilectis et fidelibus nostris Burgensibus, videlicet, Prepositis et Balliuis et Communitatibus quatuor Burgorum regni nostri predicti, scilicet, de Edenburgch, Perth, Dunde, et Abirden, ac eorum heredibus et successoribus ad obseruandum ipsos et heredes suos et successores et eorum quemlibet indempnem seu indempnes de solucione quinquaginta millium marcarum pro qua summa

JAMES, by the grace of God King of Scots, to all men of our realm, clergy and laity, we make known, that we, by our royal authority, are held, and by the tenor of these presents are firmly and faithfully bound to our beloved and trusty Burgesses, viz., to the Provosts, Bailies, and Communities of the Four Burghs of our realm foresaid, that is to say, of Edinburgh, Perth, Dundee, and Aberdeen, and their heirs and successors, to keep them and their heirs and successors whomsoever skaithless of the payment of fifty thousand merks, for

soluenda serenissimo principi Henrico Regi Anglie pro nostra liberacione predicti Prepositi et Communitates et Balliui Quatuor Burgorum nostrorum ad mandatum nostrum sunt litteratorie obligati ad terminos inde concordatos. Et ad hoc faciendum ut premissum est sine exceptione reuocatione aut impedimento quibuscunque obligamus nos auctoritate nostre regie majestatis heredes nostros et successores Reges Scotie firmiter et sine fraude presencium per tenorem. Insuper promittimus et curabimus nos facere omnes et singulos Prepositos et Balliuos ac Communitates ceterorum burgorum regni nostri se heredes suos et successores sub suis communibus sigillis obligare in forma sufficienti Prepositis et Balliuis dictorum quatuor burgorum ad assistendum et adherendum eisdem in solutione dicte summe pecunie in casum et euentum quibus pro ea distringantur siue eam soluant in toto vel in parte et ad participandum et contribuendum cum eisdem juxta vires in omni onere tam occasione principalis solucionis prefate summe pecunie non solute quam sumptuum et expensarum circa factum huiusmodi obligacionis iam factorum et imposterum fiendorum: In cuius rei testimonium sigillum nostrum pre-

the payment of which sum to the most illustrious Prince Henry King of England, for our ransom the foresaid Provosts, Communities, and Bailies of our Four Burghs are, at our command, bound by writ at the terms therein agreed. And for the performance of this, as it is before set forth, without exception, revocation, or impediment whatsoever, we oblige us, by the authority of our Royal Majesty, our heirs and successors, Kings of Scotland, firmly and without fraud by the tenor of these presents. Farther, we promise and undertake to cause all and singular the Provosts, Bailies, and Communities of the rest of the Burghs our Realm to bind themselves and their heirs and successors, under their common seals, in sufficient form, to the Provosts and Bailies of the said Four Burghs, to assist and adhere to them in the payment of the said sum of money in the case and event of their being distrained therefor, or that if they pay it in whole or in part, and to share and contribute with them according to their power in every burden, as well in the event of the principal payment of the said sum of money not being paid as of the charges and expenses incurred concerning the making of this obligation, as well those already made as those to be afterwards incurred: In witness whereof, we have caused our seal to be appended to these

sentibus iussimus apponi, apud Dunelmum xxvi die mensis Marcii, anno Domini millesimo quadringentessimo vicesimo quarto, et regni nostri xviij°.

presents, at Durham the 16th day of the month of March, in the year of our Lord one thousand four hundred and twenty-four, and of our reign the eighteenth.

XXV.

ABSTRACT of a Charter by King James the First, under his Great Seal, authorising certain tolls to be uplifted of all ships and boats entering the Port of Leith. Dunfermline, 31st December 1428.

ANE charter granted be James King of Scottis, vnder his Great Seale, whareby he, with consent of the Burgessis and Merchandis of Edinburgh, statutes and ordanes that, in augmentatione of the fabrik and reparatioun of the port or herberie of Leith, thair sould be vplifted ane certane tax or toll of all schippis and boites entering thairin in maner following, viz., for ilk sarplare of wole and skynes, of friemen of the Kingis burrowes iiij d., and of strangers and vnfriemen viij d.; of ilk twn, of friemen iiij d., and of strangers and vnfriemen viij d.; and of all vther thingis, pock, pack and barrell, proportionablie ansuerand to the sarplar and to the twn; of ilk last of hydes, of friemen xvj d., and of strangers and vnfriemen xxxij d; of ilk chalder of corne, malt, or salt iiij d.; of the chalder of collis j d.; of ilk twne of girnale good, of friemen iiij d., and of strangers viij d.; of ilk last of beare, meall, and hering, viij d.; of the last of tarr iiij.; of the hundreth burdis viij d.; of the hundred bowstaves iiij d.; of the last of maid irne viij. d.; of the hundred plankis viij d.; and sua of vther like guids: Item of hulkis and foircastellit schippes that comes in the heavin x s.; of ilk creare, busche, berge and ballinger v s.: Item of ilk farcost xij d.; of ilk greate boate vj d. with victuall or vther goodis: Item of ilk small boate ij d., and sua of vther lyke thingis. This charter is daited at Dumfermeling the last day of December anno 1428.

XXVI.

GRANT by Patrick, abbot of Holyroodhouse and his convent, to Sir Robert Logan, lord of Lestalrig, and his heirs, of the office of baillie of their lands of St Leonards. Holyrood, 27th March 1439.

TIL al and sindry to the knawlege off quham thir present lettres saltocum, Patrike be the souerance of God Abbot of Halyrudhouse, and the Conuent off that ilke, gretyng in God. Wit yhe vs wicht ane consent and assent of oure hale Chapater, the profite of oure abbay before sene, to hafe made constitute and ordanit, and be thir present lettres makis stablissis and ordanis oure dere and weile beluffit brother of chapater, schir Robert Logane lord of Lestalrig knycht, oure baileye off fee and herytage of al and sindry oure landis callit Sanct Leonardis landis, lyande in the toune off Leicht, within the barony of Lestalrig, on soucht halfe the vatir, fra the ende of the gret volut of Villiam Logane on the est parte to the comon gate that passis to the furde oure the vater of Leicht, beside the vaste lande neire byside the house of John off Turyng on the vest parte, and the comon venale callit Sanct Leonardis wynde as the wynde extendet of alde tyme on the soucht parte, and the vatir off the porte of Leicht on the norcht part: Giffande and grantande to the saide schir Robert and to hys airs herytabilly for euermare oure ful and playne poware and speciale mandement al oure said landis to sets, oure malis to raisse, oure courts to halde, eschettis and amercimentis to ressawe, trespassouris to punyse, oure men and thaire gudis, our saide landis of Sanct Leonardis inhabitande, to oure courtis to halde, fredomis of oure regalite to againe borow and reduce, and al other and sindry things to do and vse that to the office of baileye off fee and herytage pertenis or of law is knawn to pertene: Ferme and stabil haffand and for to hafe, for vs and oure successouris for euermare, al and quhat thingis so euer the saide schir Robert or his airis in oure name in the saide office ledis to be done: And here attoure we approfe ratifiis and confermis for euermare to al and sindry the tenandis of the said landis all and sindry alde charteris takis and settis of feefedorme made to thâim off alde tyme; the saide tenandis and thaire airis payand yerly til vs and oure successouris swylk like

annuales as thai dede to the saide Schir Robert, and swylk like do seruice yerly as oure other tenandis dois, and the saide Schir Robert and his airis doande til vs altyng at ane trew baileye aucht to do for outyn fraude or gile: In witness of the quhilk thing to thir present lettres we hafe to fessennyt the common seile of oure Chapater, at oure saide Abbay the xxvii^{to} day of Martii the yere of God a thousande foure hundre thretti and nyne yerre, in presens of Robert Mechelson of Hyrdmanston public notare vnderwrytin, Villiam of Libertoun of Libertoun, Villiam of Douglas of Hawthornden, Thomas of Forsythe, and James Cartare, and mony other.

Et ego Robertus Michaelis de Hyrdmanstoun publicus auctoritate imperiali notarius, prefati balliui creacioni constitucioni et ordinacioni, atque suprascripte litere sibi et heredibus suis hereditarie imperpetuum, dacioni concessioni et sigillacioni, ceterisque omnibus et singulis dum sic ut premittitur agerentur, dicerentur et fierent, vnacum prenominatis testibus presens personaliter interfui, eaque omnia et singula sic dici, fieri, vidi, sciui et audiui, ac in notam recepi, ideoque presens publicum scriptum confeci, et hic me subscripsi signoque meo solito et consueto signaui, rogatus et requisitus in fidem et testimonium vertitatis omnium premissorum, anno, mense, die, indictione et pontificatu predictis, indictione secunda, pontificatus sanctissimi

And I, Robert Michel of Hyrdmanstoun, notary public by imperial authority, was present, with the aforesaid witnesses, at the appointing, establishing, and ordaining of the foresaid bailie, and at the giving, granting, and sealing of the above written letter to him and his heirs in fee for ever, and at all and sundry the other premises, while they were so acted, said, and done, as aforesaid, and I saw, knew, and heard that these, all and sundry, were so said and done, and I made a note of them, and therefore I have executed this present public instrument, and here I have subscribed and signed it with my mark used and wont, being called and required in faith and testimony of the truth of all the premises, the year, month, day, indiction and pontificate aforesaid; in the second indiction,

in Christo patris et domini nostri domini Eugenii diuina prouidencia Pape quarti anno nono.

and in the ninth year of the pontificate of the most holy father and lord in Christ our lord Eugenius, the fourth, by divine providence Pope.

XXVII.

GRANT by King James the Second, under his Great Seal, authorising certain Taxes or Tolls to be uplifted at Leith during his pleasure. 25th September 1445.

JACOBUS Dei gratia Rex Scotorum: Uniuersis et singulis ligiis et subditis nostris ac aliis quibuscunque cuiuscunque nationis existant naues seu naviculas vel batellas magnas seu paruas apud portum de Leith ducentibus, salutem: Sciatis propter commune bonum et publicam vtilitatem ac etiam saluacionem et securitatem navium et bonorum dictum portum siue rade de Leith intrancium ob cuius reparationis defectum gravia et inestimabilia dampna ex naufragio perveniunt frequenter et contingunt Statuimus et ordinauimus, ex consensu burgensium et mercatorum burgi nostri de Edinburgh quod in augmentum fabrice et reparacionis dicti portus assumentur et leuentur certe taxe seu tollie de nauibus

JAMES by the grace of God King of Scots: To all and sundry our lieges and subjects and others whomsoever, of whatever nation they be, bringing ships or vessels or boats, great or small, to the port of Leith, greeting: Know ye that for the common good and public use, and also for the safety and security of ships and goods entering the said port or road of Leith, where heavy and inestimable damages by shipwrecks frequently occur and happen from the want of repair, we have enacted and ordained, with consent of the Burgesses and Merchants of our Burgh of Edinburgh, that for the augmentation of the fabric and repairing of the said harbour there be taken and levied certain taxes or tolls

nauiculis et batellis ibidem intrantibus per modum qui sequitur in vulgari. In the first, of ilk sarplare of woll and skynis, of fremen of the Kingis burrowis iiij d., and of strangearis and of vnfremen viij d.; of ilk twn, of fremen iiij d., and of strangearis and vnfremen viij d.; and of all vther thingis, pok, pak, and barell, proportionably answerand to the sarplare and to ye twn; of ilk last of hidis, of fremen xvjd., and of strangearis and vnfremen xxxij d.; of ilk chaldir of corne, malt, or salt iiij d.; of ye chaldir of colis j d.; of ilk twn of girnale gude, of fremen iiij d., and of strangearis viij d.; of ilk last of bere, mele and hering viij d.; of the last of tarr iiij d.; of the hundir burdis viij d.; of the hundir bowstauys iiij d.; of the last of osmound irne viij d.; of the hundir plankis viij d.; and sua of vthir like gudis. Item of the hulkis and forecastellit schippis that cumis in the hauin or in the rade x s.; of ilk creare, busche, barge and balingare v s.; alsua of ilk fercost xij d.; of ilk grete bate vj d. with vitale or vther gudis; alsa of ilk smal bate ij d.; and sua of vthir like things: Quare omibus et singulis suprascriptis firmiter precipimus et mandamus quatenus ordinationes et statuta huiusmodi prout superius scribuntur teneant et obseruent ac eisdem sub omni pena que competere poterit in hac parte: In cuius rei testimonium has literas nostras beneplacito duraturas sub magno sigillo nostro fieri fecimus patentes, apud Edinburgh vicesimo quinto die mensis Septembris anno Domini millesimo quadringintesimo quadragesimo quinto et regni nostri nono.

from the ships vessels or boats entering the same, in the manner which follows in the common tongue:—In the first, of ilk sarplare of woll and skynis [*etc. as above*]. Wherefore we strictly command and charge all and singular above written that they keep and observe these ordinances and statutes as they are above written under all the pain which can follow in that part. In witness whereof, that these our letters endure during our pleasure, we have caused them to be made patent under our great seal, at Edinburgh, the twenty-fifth day of the month of September in the year of our Lord One thousand four hundred and forty-five, and in the ninth of our reign.

XXVIII.

GIFT by King James the Second, under his Privy Seal, to the Burgh of Edinburgh of his right to land within the Burgh in arrear of finance. Edinburgh, 8th September 1447.

[Indorsed :—Donacio juris regis de terris Stephani Lyon et aliarum terrarum regi contingencium ob non solucionem financie.]

JAMES be the grace of God King of Scottis : Til al and sindry to quhais knawlege thir oure lettres salcum, greting : Foralsmekle as the Prouost Counsail and Communite of oure Burgh of Edynburgh has fullely paiit and assithit ws for the hale rest of the twa yheris finance of oure progenitouris of noble mynde, quham God assoille, nochtwithstanding that thare is diuers landis within oure said burgh yit awand ws certane soumes of the said rest of the finance, we haue geuyn and grauntit and be thir oure lettres geuis and grauntis to the Burges and Communite of the said oure Burgh of Edynburgh al rycht clame propirte and possessioun that we haue had has or may haue in or to the said landis or ony of thaym for the saide finance. Geuyn vndre oure priue seele, at Edynburgh, the aucht day of Septembre the yhere of God a thousand foure hundre fourety seuyn yher, and of oure regne the elleuynt.

XXIX.

CHARTER by King James the Second, under his Great Seal, to the Burgh of Edinburgh, of the right of holding a fair on the morrow of Trinity Day. Edinburgh, 24th November 1447.

JACOBUS Dei gracia Rex Scotorum : Omnibus probis hominibus suis clericis et laicis ad quos presentes littere peruenerint, salutem : Sciatis

JAMES, by the grace of God King of Scots; To all his good men, cleric, and laic, to whom the present letters shall come, greeting : Know ye that for certain

quod ex certis racionabilibus causis animum nostrum ad hoc mouentibus eciam ex matura deliberacione concilii nostri, infeodauimus Prepositum Balliuos Consules et Communitatem Burgi nostri de Edinburgh et ipsis et eorum successoribus dicti Burgi pro perpetuo concessimus, quod habeant et possideant perpetuisque futuris temporibus in dicto Burgo et eiusdem territorio annuatim in crastino post festum sancte Trinitatis et per octo dies immediate sequentes nundinas publicas; ipsis nundinis incipientibus a meredie dicti festi sancte Trinitatis et deinde per octo dies immediate sequentes continuandis, cum omnibus priuilegiis prerogatiuis libertatibus et consuetudinibus sicuti dicta communitas et ipsum Burgum nostrum nundinas suas in festo omnium sanctorum retroactis temporibus possiderunt seu antiquitus possidere consueuerunt, et adeo libere et quiete plenarie integre et honorifice, bene et in pace, in omnibus et per omnia, cum omni jure proprietate et possessione sicut aliquod burgum infra regnum nostrum seu communitas ipsius nundinis gaudet antiquis seu nouis pretactis: Tamen nundinis in festo omnium sanctorum et per octo dies sequentes nichilhominus cum suis libertatibus et priuilegiis annuatim pro perpetuo in suis robore et vigore duraturis: Quare vniuersis et singulis quorum interest vel interesse poterit firmiter precipimus et mandamus

reasonable causes moving our mind thereto, and also with the mature deliberation of our council, we have infeft the Provost, Bailies, Councillors, and Community of our Burgh of Edinburgh, and have granted to them and their successors of the said Burgh for ever, that they have and possess in all time coming public fairs within the said Burgh and the territory thereof yearly, on the morrow after the feast of the holy Trinity, and for eight days immediately following; the said fairs beginning from noon of the said feast of the holy Trinity, and thereafter continuing for the eight days immediately following, with all privileges, prerogatives, liberties and customs, as the said Community and our Burgh possessed their fairs on the feast of All Saints in times past, or were in use to possess the same of old, and as freely, and quietly, fully, wholly, and honourably, well and in peace, in all and by all, with all right, property and possession as any Burgh within our Kingdom, or community enjoys its fairs, old or new; nevertheless, the fairs on the feast of All Saints, for the eight days following, with their liberties and privileges annually, are to remain in their force and effect for ever: Wherefore we firmly order and command all and singular whom it does or may

ne contra concessionem huiusmodi nostram venire audeant, seu aliquod in ipsius preiudicium attemptare procurent, seu quoscunque marcatores aut alios nostros legios ad dictas nundinas nouas seu antiquas cum suis marcandisiis catallis rebus aut quibuscunque bonis venientes, ibidem morantes seu ab ipsis nundinis redeuntes, in suis personis aut rebus arrestare perturbare molestare seu quouismodo inquietare presumant iniuste, sub omni pena que erga nostram regiam incurrere poterint maiestatem: In cuius rei testimonium presentibus pro perpetuo vt premittitur duraturis magnum sigillum nostrum apponi precepimus: Apud Edinburgh vicesimo quarto die mensis Nouembris anno Domini millesimo quadringentesimo quadragesimo septimo et regni nostri vndecimo.

concern, that they do not dare in any way to oppose this our grant, or cause anything to be done to its prejudice, or presume unjustly to arrest, disturb, molest, or in any way trouble in their persons or goods any merchants or others our lieges coming to, remaining at, or returning from the said fairs, new or old, with their merchandise, chattels, property, or goods whatsoever, under all penalties which they can incur towards our royal majesty. In witness whereof we have ordered our great seal to be appended to these presents, to endure as aforesaid for ever: At Edinburgh, the twenty-fourth day of the month of November, in the year of our Lord one thousand four hundred and forty-seven, and in the eleventh of our reign.

XXX.

CHARTER by King James the Second, under his Great Seal, empowering the Provost and Community of Edinburgh to fortify the Burgh in such manner as may seem most expedient to them. Stirling, 30th April 1450.

JAMES, by the grace of God King of Scottis, till all and sundry our lieges and subdictis to quhais knawledge thir our lettris sall cum, greting. Foralsmykle as we ar informit be oure well belovettis the Provest and Communite of Edynburgh, yat yai dreid the evil and

skath of oure enemies of England, we have in favour of yame, and for the zele and affectioune that we have to the Provest and Communite of oure said Burgh, and for the comoune profit, grauntit to thaim full licence and leiff to fosse, bulwark, wall, toure, turate, and uther wais to strengthen oure foresaid Burgh in quhat maner of wise or degree that beis sene maste spedefule to thame. Given under oure Grete Seale at Strivelyn the last day of Aprile, and of oure regne the thretene yhere, anno 1450.

XXXI.

GRANT by King James the Second, under his Great Seal, to the Community of Edinburgh of freedom from the payment of custom on salt and skins. Stirling, 9th November 1451.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus totius terre sue clericis et laicis, salutem: Sciatis nos, pro singulare fauore quem germius erga dilectos nostros, Mercatores Burgenses et Communitatem Burgi nostri de Edynburgh, pro suis gratuitis seruitiis nobis hactenus multipliciter impensis, dedisse concessisse et hac presenti carta nostra confirmasse, pro nobis nostrisque heredibus et successoribus pro perpetuo, prefatis Burgensibus et Communitati Burgi nostri de Edynburgh, eorumque heredibus et successoribus, Burgensibus euisdem Burgi, vt ipsi perpetuis futuris temporibus liberi absoluti et quitti sint ab omni

JAMES, by the grace of God King of Scots; To all good men of his whole land, clergy and laity, greeting: Know ye that, for the singular favour which we bear to our lovites the Merchants, Burgesses, and Community of our Burgh of Edynburgh, for their manifold gratuitous services done to us heretofore, have given, granted, and, by this our present charter, confirmed, for us and our heirs and successors for ever, to the foresaid Burgesses and Community of our Burgh of Edynburgh, and their heirs and successors, Burgesses of the same Burgh, that they be in all time coming free, released, and discharged from all payment of cus-

solucione custume salis et pellium subscriptarum vulgariter dictarum schorlingis, skaldingis, futefellis, lentirne ware, lameskynnys, todskynnis, calfskynnis, cunyngskynnys, ottirskynnys et foumartskynnys. Et Mercatores et Burgenses de Edynburgh, eorumque heredes et successores dicti Burgi Burgenses, de solucione dicte custume salis et pellium predictarum absoluimus et exoneramus et quittos clamamus, pro nobis et nostris successoribus pro perpetuo. Preterea volumus, ac pro nobis nostrisque successoribus concedimus, dictis Burgensibus et Communitati de Edynburgh liberam potestatem atque facultatem vendendi, mercandizandi, vel in excambium permutandi, tam extraneis personis et non liberis quam quibuscunque aliis personis, et tam infra regnum nostrum quam extra mercimonia predicta salis et pellium absque quacunque custuma per ipsos extraneos aut alios quoscunque quibuscunque futuris temporibus persoluenda; ita quod de dictis sale et pellibus per ipsos extraneos a nostris burgensibus supradictis emptis seu acquisitis custuma nullatenus persoluetur, nisi tantum parua custuma, per extraneos et non liberos dictis Burgensibus et Communitati, de dictis sale et pellibus, retroactis temporibus hactenus debitis et persolui consuetis. Quare

tom of salt and of the skins underwritten, commonly called schorlingis, skaldingis, futefellis, lentirne ware, lameskynnys, todskynnis, calfskynnis, cunyngskynnys, ottirskynnys and foumartskynnys: And we discharge, release, and quitclaim, for us and our successors for ever, the Merchants and Burgesses of Edinburgh, and their heirs and successors, Burgesses of the said Burgh, from the payment of the said custom of salt and of the foresaid skins: Moreover we will, and for us and our successors, grant to the said Burgesses and Community of Edinburgh, free power and the privilege of selling, buying, or bartering, as well with strangers and unfreemen as other persons whomsoever, and as well within our Kingdom as without, the foresaid merchandise of salt and skins, without the payment of any custom by the foresaid strangers or others whomsoever in all time coming; so that no custom shall be paid in respect of the said salt and skins bought or acquired by the said strangers from our foresaid Burgesses, except only the petty custom of the said salt and skins used and wont in times past to be paid by strangers and unfreemen to the said Burgesses and Community: Wherefore we strictly charge and command all and sundry whom it does or may concern, that neither they nor any of them in any degree presume to contravene our said gift, acquit-

vniuersis et singulis quorum interest vel interesse poterit stricte precipiendo mandamus quatenus in contrarium dicte nostre donationis exonerationis et quitte clamacionis nullatenus deuenire presumant seu eorum aliquis deuenire presumat sub omni pena quam erga nostram regiam incurere poterint maiestatem. In cuius rei testimonium presentibus nostris letteris pro perpetuo duraturis nostrum magnum sigillum apponi precepimus: Testibus, reuerendis in Christo patribus Willelmo Johanne et Thoma, Glasquensis, Morauiensis et Candidecase ecclesiarum episcopis; carissimo consanguineo nostro, Willelmo comite de Douglas et de Anandale, domino Galwidee; Willelmo domino Creichton nostro cancellario et consanguineo predilecto; dilectis consanguineis nostris, Willelmo domino Someruile, Patricio domino Glammys, magistris Johanne Arous archidiacono Glasguensi, et Georgeo de Schoriswod rectore de Cultre: Apud Striuelyne nono die mensis Nouembris, anno Domini millesimo quadringentesimo quinquagesimo primo, et regni nostri decimo quinto.

ance, and discharge, under all penalty which they can incur to our royal Majesty: In witness whereof to our present letters, to endure for ever, we have ordered our great seal to be appended: Witnesses, the reverend fathers in Christ, William, John, and Thomas, bishops of the churches of Glasgow, Moray, and Galloway; our dearest cousin, William earl of Douglas and of Anandale lord of Galloway; William lord Creichton, our beloved chancellor and cousin; our beloved cousins, William, lord of Someruille; Patrick lord Glammys; Masters John Arous, archdeacon of Glasgow, and George of Schoriswod, rector of Cultre: At Striuelyne, the ninth day of the month of November, in the year of God one thousand four hundred and fifty-one, and in the fifteenth of our reign.

XXXII.

GRANT by King James the Second, under his Great Seal, to the Community of Edinburgh, in perpetuity, of certain taxes and rates from ships arriving at the port and road of Leith. Edinburgh, 4th November 1454.

[Indorsed thus :—"Prouest and bailyeis the time that thir lettres war gottin, Alexander Naper, Androu Craufurd, William of Caribas, and Richart Patersoun."]

JACOBUS Dei gracia Rex Scotorum: Vniuersis et singulis ligiis et subditis nostris ac aliis quibuscumque cuiuscumque nationis existant naues, nauiculas vel batellas, magnas seu paruas, apud radam et portum de Leith ducentibus, salutem: Sciatis quod propter commune bonum et publicam vtilitatem ac etiam saluacionem et securitatem nauium et bonorum dictum portum siue radam de Leith intrancium ob cuius reparationis defectum grauia et inestimabilia dampna ex naufragio frequenter perueniunt et contingunt, statuimus et ordinauimus, pro nobis et successoribus nostris imperpetuum, quod in augmentum fabrice et reparacionis dicti portus assumentur et leuentur certe taxe seu tallie de nauibus nauiculis et batellis, magnis et paruis, quibuscumque, ibidem intrantibus per modum qui sequitur in uulgari:—In the first, of ilk

JAMES, by the grace of God King of Scots, to all and sundry our lieges and subjects, and others whomsoever, of whatever nation they be, bringing ships, vessels, or boats, great and small, to the road and port of Leith, greeting: Know ye that for the common good and public benefit, and also for the safety and security of ships and goods entering the said port or road of Leith, where from want of repair serious and inestimable damages by shipwreck frequently occur and happen, we have enacted and ordained, for us and our successors for ever, that, for the enlargement of the fabric, and for the repairing of the said port, there be raised and levied certain taxes or rates from all ships, vessels, and boats, great and small, entering therein, in the manner which follows in the common tongue:—In the first, of ilk sarplare of woll and skynnis [*etc. as above*].

sarplare of woll and skynnis, of fremen of the kingis borowis iiij d., and of strangearis and vnfremen viij d.; of ilk toune, of fremen iiij d., and of strangearis and vnfremen viij d.; and of al vthir thingis, pok, pak, and barel, proportonably ansuerand to the sarplare and to the toune; of ilk last of hidis, of fremen xvj d., and of strangearis and vnfremen xxxij d.; of ilk chaldir of corne, malt or salt iiij d.; of the chaldir of colys j d.; of ilk tonne of grynnale gude, of fremen iiij d., and of strangearis viij d.; of ilk last of bere, mele, and hering viij d.; item, of the last of terr iiij d.; of the hundir burdis viij d.; of the hundir bow stafis iiij d.; of the last of osmounde irne viij d.; of the hundir plankis and treyis viij d.; of the chaldir of lyme ij d., and sua of vthir like gudis; item, of hulkis ande forecastellis schippis that cummys in the havin or in the raide x s.; of ilk crayer, busche, barge, and balingare v s.; alsa of ilk fercost xij d.; of ilk grete bait vj d., with victale or vthir gudis; alsa of ilk smal bate ij d., and sua of vthir lik thingis: Quare omnibus et singulis suprascriptis ligiis et subditis nostris ac aliis quibuscumque cuiuscumque nacionis existant firmiter precipimus et mandamus quatenus, ordinaciones et statuta huiusmodi prout superius scribuntur teneant et obseruent, ac Burgensibus Burgi nostri de Edinburgh, et eorum successoribus et collectoribus per ipsos deputandis, pro perpetuo pareant, obediant respondant et intendant sub omni pena que competere poterit in hac parte: In cuius rei testimonium has literas nostras dictis burgensibus nostris eorumque successoribus pro perpetuo duraturas sub magno sigillo nostro fieri fecimus patentes: Testibus, reuerendis in Christo patribus Jacobo, consanguineo nostro carissimo, Thoma, Georgio, et Thoma, Scantiandree, Dunkeldensis, Brechinensis, et Candidecase ecclesiarum, episcopis; dilectis

Wherefore we strictly charge and command all and sundry above written our lieges, and subjects, and others whomsoever, of whatever nation they be, that they keep and observe these ordinances and statutes as they are above written, and comply therewith, obey, pay, and observe the same to the Burgesses of our Burgh of Edinburgh, and their successors and collectors to be deputed by them, under all pain which can follow in that part: In witness whereof we have caused these our letters, under our Great Seal, to be made patent, to endure to our said Burgesses and their successors for ever: Witnesses, the reverend fathers in Christ, James, our dearest cousin, Thomas, George, and Thomas, bishops of the churches of St

consanguineis nostris Willelmo, comite Orchadie domino de Sanctoclaro nostro cancellario, Willelmo comite de Erale et domino le Haye regni nostri constabulario, Thoma domino Erskyn, Willelmo domino Somervile, Laurencio domino Abirnethy in Rothimay, Johanne domino Lindessay de Byris, Patricio domino Halys, Willelmo domino Borthwik, Willelmo Murray de Tulibardyn et Willelmo Bonare nostrorum compotorum rotolatore: Apud Edinburgh quarto die mensis Nouembris, anno Domini millesimo quadringentesimo quinquagesimo quarto, et regni nostri decimo octauo.

JAMES R.

Andrews, Dunkeld, Brechin, and Galloway; our beloved cousins, William, earl of Orkney, lord of Saintclair, our chancellor; William, earl of Erole, and lord Haye, constable of our kingdom; Thomas lord Erskyn; William lord Somerville; Laurence lord Abirnethy in Rothimay; John lord Lindessay of the Byris; Patrick lord Halys; William lord Borthwick; William Murray of Tulebardyn; and William Bonare, our comptroller: At Edinburgh, the fourth day of the month of November, in the year of God one thousand four hundred and fifty-four, and in the eighteenth of our reign.

XXXIII.

LETTERS PATENT by King James the Second, under his Great Seal, appointing the Parliament of the Four Burghs to be held at Edinburgh yearly. Edinburgh, 5th November 1454.

[Indorsed thus:—"Provost the tym the lettres was gottyn Alexander Naper; bailyies the said time, Andru Craufurd, William of Caribris, Richard Patinsoun."]

JACOBUS Dei gracia Rex Scotorum: Vniuersis et singulis ligiis et subditis nostris ad quorum noticias presentes litere peruenerint salutem: Quia

JAMES, by the grace of God King of Scots, to all and each our lieges and subjects to whose knowledge the present letters shall come, greeting: Whereas

serenissimus princeps Jacobus Rex Scotorum progenitor noster, cuius anime propicietur Deus, de auisamento et deliberacione trium regni sui statuum apud Perth concessit et ordinauit Parliamentum Quatuor Burgorum apud Burgum nostrum de Edinburgh annuatim teneri sicut a temporibus retroactis tenebatur: Volumus et concessimus ac presencium tenore concedimus, pro nobis et successoribus nostris imperpetuum, Burgensibus nostris Burgi nostri de Edinburgh et eorum successoribus, vt dictum Parliamentum Quatuor Burgorum in dicto Burgo nostro de Edinburghe annuatim pro perpetuo teneatur, et die statuto post festum Beati Michaelis archangeli cum continuacione dierum omnino inchoetur et obseruetur: Quare magno camerario nostro et suis deputatis qui pro tempore fuerint stricte precipiendo mandamus quatenus Curiam Parliamenti Quatuor Burgorum haberi et teneri more solito faciatis in Burgo nostro antedicto, conuocatis et summonitis annuatim ad hoc comparituris commissariis Quatuor Burgorum Principalium videlicet Edinburgh Striuelyn Lithqw et Lanark dicte curie sectatoribus siue accessoribus, ad subeundum ordinandum et finaliter determinandum de et super judiciis burgorum vniuersalium regni nostri curiis datis siue contradictis, ac eciam mensuram vlne ferlote

the most serene Prince James king of Scots, our father, on whose soul may God have mercy, with the advice and consent of the three estates of his kingdom, at Perth, granted and ordained that the Parliament of the Four Burghs should be held yearly in our Burgh of Edinburgh, as it was held in times past. We will and grant, and by the tenor hereof concede, for us and our successors for ever, to our Burgesses of our Burgh of Edinburgh and their successors, that the said Parliament of the Four Burghs be held yearly in our said Burgh of Edinburgh for ever, and be constantly begun and kept on the appointed day after the feast of St Michael the archangel, with continuation of days: Wherefore we strictly charge and command our great chamberlain and his deputies who shall be for the time, that they cause the Parliament of the Four Burghs to be had and held in the accustomed manner within our said Burgh, there being called and summoned yearly to appear thereat the commissioners of the four principal burghs, videlicet, Edinburgh, Stirling, Linlithgow, and Lanark, the suitors or assessors of the said court to consider, ordain, and finally determine, of and upon the judgments given or gainsaid in the courts of the whole burghs of our kingdom,

siue bolle lagine et petre more solito ligiis et communibus nostris dandum liberandum et recipiendum: Necnon omnia alia et singula facienda et exercenda que in huiusmodi Curia Parliamenti secundum leges statuta et burgorum consuetudines sunt tractanda subeunda et finaliter determinanda: In cuius rei testimonium has literas nostras dictis Burgensibus nostris eorumque successoribus pro perpetuo duraturas sub magno sigillo nostro fieri fecimus patentes: Testibus, reuerendis in Christo patribus Jacobo consanguineo nostro carissimo, Thoma, Georgeo, et Thoma, Sanctiandree, Dunkeldensis, Brechinensis, et Candidecase ecclesiarum episcopis; dilectis consanguineis nostris, Willelmo comite Orchadie domino de Sancto Claro nostro cancellario, Georgeo comite Angusie, Thoma domino Erskyn, Willelmo domino Somervele, Willelmo domino Borthwik, Willelmo Murray de Tulibardyn, et Willelmo Bonare nostrorum compotorum rotolatore: Apud Edinburghe quinto die mensis Nouembris anno Domini millesimo quadringentesimo quinquagesimo quarto et regni nostri decimo octauo.

and also to give, deliver, and receive the measure of the ell, firlot, or boll, stoup and stone, in the accustomed manner, to our lieges and communities; also to do and exercise all and singular which in any way, in the Court of Parliament, according to the laws, statutes, and customs of burghs are treated upon, considered, and finally determined: In witness whereof that these our letters endure to our said Burgesses and their successors for ever, we have caused them to be made patent under our great seal: Witnesses, the reverend fathers in Christ; James, our dearest cousin; Thomas, George, and Thomas, bishops of the churches of St Andrews, Dunkeld, Brechin, and Galloway; our beloved cousins William earl of Orkney, lord of Saintclair, our chancellor, George earl of Angus, Thomas lord Erskyn, William lord Somervele, William lord Borthwick, William Murray of Tulibardyn, and William Bonare, comptroller: At Edinburgh, the fifth day of the month of November, in the year of our Lord one thousand four hundred and fifty-four, and in the eighth of our reign.

XXXIV.

Bond by the Provost, Bailies, and Community of Edinburgh to William Prestoun of Gorton. Edinburgh, 11th January 1454-5.

BE it kend til al men be thir present lettres ws the Prouost Baillieis Counsale and Communite of the Burgh of Edynburgh to be bundyn ande sekirly oblist to Williame of Prestoune of Goirtoun, sone and aire to vmquhile Williame of Prestoune of Goirtoun, and to the freindis and surname of thaim, that foralsmekle as Williame of Prestoune the fadir, quham God assoillie, made deligent labour ande grete menis be a he and michty prince the King of France and mony vthir lordis of France for the gettyn of the arme bane of Sant Gele, the quhilk bane he frely left to oure mothir kirk of Sant Gele of Edynburgh withoutyn ony condicioun makyn, we considerand the grete labouris and costis that he made for the gettyn tharof we promit as said is that within six or seuin yhere in al the possible and gudely haste we may that we sal big ane Ile furth fra our Lady Ile quhare the said Williame lys, the said Ile to be beginnyn within a yhere, in the quhilk Ile thare sal be made a brase for his lair in bosit werk, and aboue the brase a table of bras with a writ specifiand the bringing of that rillyk be him in Scotland with his armis; and his armis to be putt in hewyn werk in vthir thre partes of the Ile; alsua ane alter to be made in the said Ile with buke and chalice of siluer and al vthir grath belangand tharto; alsua that we sal assing the chapellane of quhilom Schir Williame of Prestoun to sing at the alter fra that tyme furth, ande gif ony vthir freindis lykys to feft ony ma chapellanis thai salbe thankfully ressauit to singne at the alter; Item, that als oft as the said ryllik beis borne in the yhere that the surnam and nerrest of blude to the said Williame sal bere the said rillyk before al vtheris: alsua that fra the dede of the said Williame fadir thare salbe fundyn a chapellane for the termis of fiue yheris to sing for him. Item, we promit that thare sal be ane obit yherely done for him sic as afferis the time of

the yhere of his decesse. In witnes of the quhilk thingis we haue set to oure commoun sele at Edynburgh the xi day of the moneth of Januare the yhere of our Lorde a thousande four hundreth fyfty four yheris.

XXXV.

INDENTURE between the Burgh of Edinburgh and Sir James Logane, for maintaining and defending the freedom of the Town. Edinburgh, 12th January 1454–5.

THIS Endentur made at Edynburgh the xij day of Januare the yere of our Lorde m cccc fyfty four yeris contenis proportis and beris witnes that it is accordit betuiz honorable and worthy men the Prouost Balyies Counsale and Communite of the Burgh of Edynburgh on the ta parte, and Sir James Logane knycht the inhabitantis and induellaris the toune of Leith on the tothir parte, for al the termes that the said Sir James sal haue the barounry of Lestalrig in balyery and gouernance, that is to say that the said Sir James Logane sal manteine and defend the fredome of the toune of Edynburgh at al his gudely power. Item, that he sal manetene the officiaris of the tovne quhare euir thai happyn to be within the tovne of Edynburgh the barounry of Lestalrig or Leith, and alswa the balyies of the watter and al vther custumaris and officiaris of the toune in thair office doand baith in the watter and vtouth. Item, quhare ony merchandice that is staple gude, or ony vthir merchandice that aucht to be merkettit within the Burgh, is tappit and made merchandice of within the toune of Leith in hurtyn of the fredome of the Burgh, he sal help the officiaris of the toune and the nychtbouris to punys and stanche it als aft as thai pas thairto and chargis him to pas with thame, as wyne, sape, irne, lynnyn, clayth, lynt, ter, walx, burdis, or sic like vther gudis as aucht to be made merchandice of within the Burgh. Item, that he sal gif tham the best counsale that he may gif he be requirit thairupon to the

gouernance of the fredome and the worschip of the toune of Edynburgh and the commoun proffite thairof, and manetene the officiaris and the counsale of the toune in the execusion of justice as said is; ande the said Counsell and Communite of Edynburgh sal gif the said Sir James and the communite of the barounry of Lestalrig thair counsell help supple maneteneance and defence in like wis. Item, it is accordit as tuiching debates or discordis casuualy hapenand betuix ony man of the toune of Edynburgh or of the barounry of Lestalrig, that gif the discord hapins in the toune of Edynburgh be ony man of the barounry of Lestalrig, the persoun of the barounry of Lestalrig salbe fauorably arrestit and nouthir pittit na ill prisonyt bot lattyn fauorably to borgh, and than the Counsale of the toune of Edynburgh to send to Leth twa or thre persons to folow and persew the defalt made to ony man of the toune of Edynburgh, and the said Sir James or his balyeis to do justice thairapon but dissimulatioun; and rycht sa gif a man of Edynburgh faltis in to Leth he salbe arrestit in sobir maner as said is, and nocht be ill pittit na prisonyt bot lattyn to borgh gif he has ony borowis, and gif he has nane he to be kepit in sobir wis quhil the tovne may send for him, or ellis that he send him vp to the tovne with his aune officiaris and deliuir him to the officiaris of the tovne, and than the said Sir James sal cum or send and persew the defalt, and than the Prouost and Balyies to do justice and lawe withoutyn dissimulatioun as said is. Item, the seid Sir James sal nouthyr lat pakkyn na pelyn be vsit in Leth, na nane vthir merchand craft, bot he sal lat it at al his gudely power, and he sal supple the officiaris in the executioun of justice tharapon quhen euir he be requirit. Item, that the said Sir James sal nocht put handis na tak na vitalis at the port of Leth bot be the deliuerans of the deliueraris of the tovne, the quhilk sal deliuer him as thai do the Prouost the Balyeis and the worthiest of the toune. And that al thir condiciouns salbe kepit bath the partis ar oblist. To the parte of this endentur remanand with the said Sir James the commoune sele of caus is to put, and to the parte of this endentur remanand with the said toune the said Sir James sele is to sett the said day yere and place before writtyn.

XXXVI.

CHARTER by King James the Second, under his Great Seal, to the Burgh of Edinburgh, of the valley or low ground between the rock called Cragingalt and the road to Leith [now callit the Grenesyd]. Edinburgh, 13th August 1456.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus ad quos presentes litere peruenerint, salutem: Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse delectis et fidelibus nostris Preposito Balliuis et Communitati Burgi nostri de Edinburgh, eorumque successoribus, totam et integram vallem et terram bassam jacentem inter rupem vulgariter nuncupatam Cragingalt ex parte orientali, et communem viam et transitum versus villam de Leth ex parte occidentali, pro tournamentis, jocis, et justis actibus bellicis ibidem, ad nostri et nostrorum successorum complacenciam, faciendis et peragendis. Tenendam et habendam dictam terram, pro premissis inibi pro perpetuo excercendis et peragendis, dictis Preposito, Balliuis et Communitati Burgi nostri de Edinburgh eorumque successoribus eiusdem Burgi burgensibus, de nobis heredibus et successoribus nostris in feodo et hereditate inper-

JAMES, by the grace of God King of Scots, To all good men to whom the present letters shall come, greeting: Know ye that we have given, granted, and by this our present charter confirmed to our beloved and faithful the Provost, Bailies, and Community of our Burgh of Edinburgh and their successors, all and whole the valley and low ground lying between the rock commonly called Cragingalt, on the east side, and the common way and road towards the town of Leith, on the west side, for tournaments, sports and proper warlike deeds to be done and accomplished there for the pleasure of us and our successors: To hold and to have the said land for the foresaid acts to be done and accomplished thereon for ever by the said Provost, Baillies, and Community of our Burgh of Edinburgh and their successors burgesses of the said Burgh, of us, our heirs and successors, in fee and heritage for ever, by all its right ancient bounds and marches, as it lies

petuum, per omnes rectas metas suas antiquas et diuisas, prout jacet in longitudine et latitudine, cum omnibus et singulis libertatibus, commoditatibus proficiuis et asiamentis, ad eandem terram spectantibus, seu quouis modo juste spectare valentibus in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento seu obstaculo quocunque. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, reuerendis in Christo patribus, Jacobo consanguineo nostro carissimo, et Georgeo, Sanctiandree et Brechinensis ecclesiarum episcopis; delectis consanguineis nostris, Thoma domino Erskyn, Alexandro domino Montgomery, Johanne domino Dernele, Johanne domino Lyndesay de Biris, Roberto domino Lile, Jacobo domino Hammilton, et Alexandro Napare, nostrorum computorum rotolatore. Apud Edinburgh decimo tercio die mensis Augusti anno Domini millesimo quadringentesimo, quinquagesimo sexto et regni nostri vicesimo.

in length and breadth, with all and singular liberties, commodities, profits, and easements belonging or that in any way justly may belong, to the said land in future, freely, quietly, fully, wholly, honourably, well and in peace, without any impediment or obstacle whatsoever: In witness whereof we have caused our Great Seal to be appended to our present charter: Witnesses, the reverend fathers in Christ, James our dearest cousin, and George, bishops of the churches of St Andrews and Brechin; our beloved cousins, Thomas lord Erskyn, Alexander lord Montgomery, John lord Dernele, John lord Lyndesay of the Biris, Robert lord Lile, James lord Hammilton, and Alexander Napare our compfroller: At Edinburgh, the thirteenth day of the month of August, in the year of our Lord one thousand four hundred and fifty six, and in the twentieth of our reign.

XXXVII.

PROMULGATION by Andrew Bishop of Glasgow, on 6th March 1461–2, of the Bull of Pope Pius the Second dated 23d October 1460, authorising the annexation of the Parish and Church of Soltray to the Trinity College.

ANDREAS Dei [et] apostolice sedis gratia episcopus Glasguensis, iudex et executor vnicus ad infrascripta auctoritate apostolica specialiter deputatus, Vniuersis Christi fidelibus ad quorum noticias presentes nostre litere peruenerint, salutem. Sciatis nos quasdam literas apostolicas sanctissimi in Christo patris et domini nostri domini Pii diuina fauente clemencia Pape secundi eius vera bulla plumbea cum cordula canapis more Romane curie impendente sigillatas, non viciatas non cancellatas nec in aliqua sui parte suspectas, sed omni prorsus vicio et suspicione carentes, super suppressione et extinctione nominis et dignitatis cancellarie Sanctiandree alias erectorum, et reduccione hospitalis pauperum de Soltre dicte Sanctiandree diocesis in statum pristinum, illoque reducto vnione anneccione et incorporacione illius Collegio et Hospitali Sancte

ANDREW, by the grace of God and of the Apostolic See, Bishop of Glasgow, sole judge and executor in the matters underwritten specially deputed by apostolic authority, to all the faithful in Christ to whose notice our present letters shall come, greeting: Know that we have with becoming reverence received certain Letters Apostolic, of the most holy father in Christ, and our Lord the Lord Pius the Second, by favour of the divine clemency Pope, sealed with his true leaden bull attached with a hempen cord, after the manner of the Roman court, not vitiated, cancelled or suspected in any part of it, but altogether free from all vitiation and suspicion, anent the suppression and extinction of the name and dignity of the Chancellorship of St Andrews lately instituted, and the reduction of the Hospital for the poor of Soltray in the said diocese of St Andrews into its pristine state, and, after its reduction, for the union annexation and incorporation of it with the College and Hospital of the Holy Trinity lately founded near the burgh of Edin-

Trinitatis nouiter per serenissimam principissam et dominam dominam Mariam Reginam Scocie iuxta Burgum de Edinburgh ex parte boreali eiusdem dicte diocesis fundatis nobis ex parte eiusdem dicte nostre regine presentatas cum ea qua decuit reuerencia recepisse tenorem qui sequitur continentes.

Pius episcopus seruus seruorum Dei venerabili fratri episcopo Glasguensi salutem et apostolicam benediccionem. Ad apostolice sedis dignitatis apicem quanquam insufficentibus meritis diuina disposicione vocati ad ea ex suscepte servitutis officio nostre propensius conuertimus solercie curas per que hospitalium et aliorum piorum locorum necnon pauperum et miserabilium personarum commoditatibus consulatur et ut illa optatum sorciantur effectum cum a nobis petitur fauorem apostolicum libenter impertimur. Sane peticio pro parte carissime in Christo filie nostre Marie Regine Scocie illustris nobis nuper exhibita continebat quod olim postquam felicis recordacionis Nicolaus Papa quintus predecessor noster ex certis tunc expressis causis Hospitale pauperum de Soltre Sanctiandree diocesis in unam dignitatem cancellariam nuncupatam in ecclesia Sanctiandree, de consensu quondam Alani Cant ipsius hospitalis tunc

burgh, on the north side of the same, in the said diocese, by the most Serene Princess and lady, Lady Mary Queen of Scotland, which letters were presented to us on the part of our said Queen, and of which the tenor follows:—

Pius the Bishop, Servant of the servants of God to his venerable brother Bishop of Glasgow, greeting and the apostolic benediction. Called, although with insufficient merits, by divine dispensation to the highest dignity of the Apostolic See, we, on account of the duty of service undertaken by us, the more readily turn our anxious cares to those measures by which provision is made for the advantage of hospitals and other pious places, as well as of poor and miserable persons, and, that they may accomplish the desired end, we willingly impart the apostolic favour when it is sought from us. The petition lately presented to us on the part of our most dearly beloved daughter in Christ, Mary the illustrious Queen of Scotland, shewed that sometime after our predecessor Pope Nicholas the Fifth of happy memory, for certain causes then expressed, had by his letters with apostolic authority erected the Hospital for the poor of Soltray in the diocese of St Andrews into an office of dignity named the Chancellorship, in the church of St Andrews, with consent of the late Allan Cant then rector of the said hospital, and

rectoris, per suas literas apostolica auctoritate erexerat ac de ipsa cancellaria eidem Alano prouiderat cancellaria predicta que de iure patronatus laicorum Regis Scotorum pro tempore existentis fore noscitur per obitum dicti Alani qui vsque ad vltimum vite sue diem cancellariam ipsam pacifice tenuit ac possedit et tandem extra Romanam curiam decessit vacante clare memorie Jacobus Scotorum Rex dum viueret verus et unicus patronus dicte cancellarie existens in pacifica possessione sui quasi iuris presentandi personam ydoneam ad cancellariam ipsam dum pro tempore vacaret dilectum filium Johannem Tyry clericum Sanctiandree baccalarium in decretis ad cancellariam ipsam sic vacantem vicario venerabilis fratris nostri episcopi Sanctiandree in spiritualibus generali infra tempus debitum presentauit ipseque vicarius ad presentacionem huiusmodi prefatum Johannem in cancellariam dicte ecclesie ordinaria auctoritate instituit ac idem Johannes presentacionis et institucionis huiusmodi vigore dictam cancellariam extitit pacifice assecutus. Cum autem sicut eadem peticio subiungebat prefata Maria Regina ad laudem Omnipotentis Dei vnam Collegiatam Ecclesiam cum Hospitali pauperum prope Burgum

had provided from the said chancellorship to the said Allan the chancellorship foresaid, which is known to belong by right of laic patronage to the King of Scotland for the time being, then vacant by the death of the said Allan, who to the last day of life peaceably held and possessed the said Chancellorship, and at length died outwith the Roman Court, James King of Scots, of illustrious memory, the true and only patron of the said chancellorship, while he lived being in peaceable possession of the virtual right of presenting a fit person to the said Chancellorship, when it was vacant presented within due time our beloved son John Tyry, of St Andrews, bachelor in laws, clerk, for the said Chancellorship thus vacant to the Vicar general in things spiritual of our venerable brother the bishop of St Andrews, and the said vicar on that presentation, by his authority as Ordinary inducted the foresaid John to the Chancellorship of the said church, and the said John in virtue of such presentation and induction peaceably obtained the said Chancellorship. Since, morover, as the said petition subjoined, the said Queen Mary, of the goods bestowed on her by God, has of new founded and in splendid manner has caused to be constructed and erected for the praise of Almighty God, a Collegiate Church with an Hospital for the poor near the Burgh

de Edinburgh ex parte boriali dicte diocesis pro diuini cultus augmento ac Christi pauperum et aliarum miserabilium personarum recepcione et sustentacione de bonis sibi a Deo collatis de nouo fundauerit ac egregio quodam opere construi et edificari fecerit et tam carissimus in Christo filius noster Jacobus modernus Scotorum Rex illustris cuius progenitores ipsum Hospitale de Soltre ad vsum Christi pauperum fundarunt voluntates progenitorum pro posse obseruari facere quam Regina predicta ut prefatum in cancellariam erectum hospitale ad statum pristinum restituatur ipsique nouo Hospitali erecto perpetuo incorporetur feruenter exoptent prefatusque Rex ad hoc consensum suum prestare paratus sit et sicut accepimus ipse Johannes in fauorem vnionis huiusmodi et ut eciam cancellaria ipsa ad hospitale de Soltre sicuti prius erat reducatur eandem cancellariam quam obtinet sponte et libere resignare proponit pro parte eiusdem regine asserentis quod fructus redditus et prouentus dicte cancellarie sexaginta librarum sterlingorum secundum communem estimacionem valorem annuum non excedunt nobis fuit humiliter supplicatum ut nomen et dignitatem

of Edinburgh, on the north side, in the said diocese, for the furthering of divine worship, for the reception and maintenance of Christ's poor, and other miserable persons; and both our dearest son in Christ, James the present illustrious King of Scots, whose forefathers founded the said Hospital of Soltray for the use of Christ's poor, and the said Queen, fervently desire to cause the will of their ancestors as far as possible to be observed, that the foresaid Hospital, which has been erected into a Chancellorship, should be restored to its pristine state, and be incorporated with the said newly erected Hospital for ever, and the foresaid King is prepared to give his consent to this course, and, as we have learned, the said John proposes willingly and freely to resign the said Chancellorship, which he holds, in favour of such union, and also, that the said Chancellorship should revert to the Hospital of Soltray as it formerly was, on the part of the said Queen asserting that according to the common estimation the fruits, rents and proceeds of said chancellorship do not exceed the annual value of sixty pounds sterling, it was humbly supplicated of us, that of our apostolic benignity, we should be pleased to suppress altogether and extinguish the name and dignity of said chancellorship in

huiusmodi cancellarie in prefata ecclesia penitus supprimere et extinguere et hospitale ipsum de Soltre in statum pristinum restituere illudque in omnibus iuribus et pertinenciis prefato nouiter erecto Hospitali perpetuo incorporare vnire et annectere aliasque in premissis oportune prouidere de benignitate apostolica dignaremur. nos qui dudum inter cetera voluimus quod petentes beneficia ecclesiastica aliis vniri teneantur expremere verum valorem annuum fructuum tam beneficii vniendi quam illius cui vniri petitur alioquin vnio non valeat de premissis tamen certam noticiam non habentes huiusmodi supplicationibus inclinati fraternitati tue per apostolica scripta mandamus quatenus vocatis episcopo predicto necnon dilectis filiis capitulo dicte ecclesie Sanctiandree et aliis quorum interest de premissis omnibus et singulis eorumque circumstanciis vniuersis auctoritate nostra te diligenter informes et si per informacionem huiusmodi ita esse repereris ab ipso Johanne vel procuratore suo ad hoc ab eo specialiter constituto resignacionem huiusmodi si illam in tuis manibus sponte et libere facere voluerit ut prefertur auctoritate nostra hac vice duntaxat recipias et

said church, and restore the said Hospital of Soultray to its pristine state, and to incorporate, unite and annex it in all its rights and pertinents to the foresaid newly erected Hospital for ever, and otherwise to make suitable provisions in the premises. We, who long ago have among other things resolved, that those petitioning for ecclesiastical benefices to be united to others should be bound to declare the true annual value of the fruits, as well of the benefice to be united, as of that to which it is sought to be united, otherwise the union to be of none effect, although not having certain notice of the premises, being favourably disposed to these supplications, do by our apostolic writings, charge your fraternity to call the Bishop aforesaid and also our beloved sons the chapter of said church of St Andrews and others interested, and on our authority diligently to inform yourself of all and sundry the premises, and of their whole circumstances, and, if by such information you find it so to be, to receive and accept from the said John or his procurator specially constituted by him for this purpose, such resignation, if he shall voluntarily and freely determine to make the same in your hands as aforesaid, by our authority granted for this occasion only, and the said resignation being received and accepted by you, to

admittas eaque per te recepta et admissa cancellariam ipsam cum per huiusmodi resignacionem vacauerit dummodo tempore date presencium non sit in ea alias alicui specialiter ius quesitum ac prefati Jacobi moderni seu pro tempore existentis Regis Scotorum ad id expressus accedat assensus nomine et dignitate ipsius cancellarie in dicta ecclesia per te suppressis penitus et extinctis eodemque Hospitali de Soltre in statum pristinum reducto illud cum omnibus iuribus et pertinenciis suis nouo Hospitali huiusmodi cuius et eiusdem ecclesie fructuum reddituum et prouentuum veros annuos valores presentibus haberi volumus pro expressis eadem auctoritate nostra perpetuo vnias annectas et incorpores ita quod liceat ex tunc rectori dicti noui Hospitalis per se vel alium seu alios corporaliter Hospitalis de Soltre iuriumque et pertinenciarum predictorum possessionem propria auctoritate apprehendere et perpetuo retinere ac illius fructus redditus et prouentus in sustentacionem pauperum et infirmorum ac alias in vtilitatem ipsorum hospitalium iuxta formam constitucionis pie memorie Clementis pape V. eciam predecessoris nostri super hoc in consilio Viennensi edite com-

take over the said Chancellorship, when by such resignation it shall be vacant, provided at the date of these presents no one shall have otherwise acquired a special right in it, and if the express consent to that effect of the foresaid James, who now is, or of the King of Scots for the time being, shall be accorded, and, having totally suppressed and extinguished the name and dignity of the said Chancellorship in the said church, and having reduced the said Hospital of Soltray to its pristine state, by our said authority, to unite, annex, and incorporate for ever the same with all its rights and pertinents to the said new Hospital, the true annual values of the fruits, rents and profits of that Hospital and of that church, we will shall be held for expressed in these presents, so that it may be lawful thenceforth for the Rector of the said new Hospital by himself or others one or more on his own authority to take and retain for ever corporal possession of the Hospital of Soltray and its rights and pertinents aforesaid, and to receive its fruits, rents and proceeds, to be applied for the maintenance of the poor and the infirm, and otherwise for the use of said hospitals according to the form of constitution of Pope Clement V., of pious memory, our predecessor, given forth regarding this matter in the council

mittendos percipere diocesani loci et cuiusuis alterius licencia super hoc minime requisita non obstantibus constitucionibus et ordinacionibus apostolicis ac predicta nostra voluntate necnon statutis et consuetudinibus eiusdem ecclesie iuramento confirmacione apostolica vel quauis firmitate alia roboratis contrariis quibuscunque aut si aliquis super prouisionibus sibi faciendis et dignitatibus ipsius ecclesie speciales vel aliis beneficiis ecclesiasticis in illis partibus generales dicte sedis vel legatorum eius literas impetrauerit eciam per eas ad inhibitionem resignacionem et decretum vel alias quomodolibet sit processum quas quidem literas et processus habitos per easdem ac quecunque inde secuta ad dictam cancellariam volumus non extendi sed nullum per hoc eis quoad assecucionem dignitatum vel beneficiorum aliorum preiudicium generari et quibuslibet priuilegiis indulgenciis et literis apostolicis generalibus vel specialibus quorumcunque tenorum existant per que presentibus non expressa vel totaliter non inserta effectus earum impediri valeat quomodolibet vel differri et de quibus quorumcunque totis tenoribus de verbo ad verbum habenda sit in nostris literis mencio

of Vienne, the permission of the diocesan of the place or of any other whatever to this effect not being in any way required, notwithstanding constitutions and ordinances apostolic, and our foresaid will as also the statutes and customs of the said church strengthened by oath, confirmation apostolic, or any other security to the contrary whatsoever, or though any one shall have obtained special letters for the provisions to be made to himself and dignities of the said church, or general letters of the said See or its Legates to other ecclesiastical benefices in those parts, even though in virtue of these, or in any other way whatsoever, the matter has gone the length of inhibition, resignation and decree; which letters indeed and proceedings taken in virtue of the same and all that follows thereupon, we ordain not to be extended to the said chancellorship, but that no prejudice be caused to them by this provision as to the acquisition of other dignities or benefices, and notwithstanding whatsoever privileges indulgences and apostolic letters, general or special of whatsoever tenor they be, not expressed or altogether not inserted in the present letters, by which their effect can be impeded in any manner or delayed, and of which, and the whole tenors of which, special mention should be made word for word

specialis prouiso quod propter vnionem anneccionem et incorporacionem huiusmodi si vigore presencium fiant et effectum sorciantur predictum hospitale de Soltre debitis non fraudetur obsequiis sed illius congrue supportentur onera consueta. Ceterum cum non sit verisimile quod quis beneficia sua multis forsan laboribus acquisita ex quibus percipit vite subsidium absque magna causa sponte resignet attente prouideas ne in resignacione huiusmodi si fiat aliqua prauitas interueniat seu eciam corruptela nos enim si extinctionem suppressionem reduccionem vnionem anneccionem et incorporacionem huiusmodi per te vigore presencium fieri contigerit ex nunc irritum decernimus et inane si secus super hiis a quoquam quauis auctoritate scienter vel ignoranter contigerit attemptari. Datum Rome apud Sanctum Petrum anno incarnacionis Dominice millesimo quadringentesimo sexagesimo decimo kalendas Nouembris pontificatus nostri anno tercio.

Nos vero Andreas episcopus iudex et executor prefatus tanquam obediens filius volentes mandatum apostolicum nobis in hac parte directum reuer-

in our letters, provided that on account of such union, annexation, and incorporation, if they shall, in virtue of these presents, be brought about and receive effect, the foresaid Hospital of Soltray shall not be defrauded of its due services, but its accustomed burdens shall be suitably supported. But since it is not likely, that any one will, without good cause, of his own accord will resign his benefices acquired perhaps with much labour and from which he obtains the support of his life, you shall make careful provision, that in such resignation, if it shall be made, no wrong or corruption shall happen; for if it come about that such extinction, suppression, reduction, union, annexation, and incorporation be made by you in virtue of these presents, we declare it henceforth null and void if any attempt towards this has been wrongfully made by any one, by any authority whatever, either knowingly or ignorantly. Given at Rome at St Peter's in the year of the incarnation of our Lord one thousand four hundred and sixty, the tenth day before the calends of November, and of our Pontificate the third year.

And we Andrew, Bishop, judge and executor aforesaid, as an obedient son wishing reverently to carry out the apostolic commission, directed to us in this

enter exequi ut tenemur ad prefate serenissime principisse domine nostre regine suorumque procuratorum hoc requirencium instanciam reuerendo in Christo patri et domino domino Jacobo miseracione diuina episcopo Sanctiandree venerabilibusque patre et viris priore et conuentu Sanctiandree ac aliis interesse habentibus per nos debite citatis atque vocatis ipsorum claro et expresso consensu ad infrascripta accedente diligente informacione omnium singulorumque in prefatis literis apostolicis contentorum et relatorum per nos habita terminis substancialibus in causa et materia prefatis de iure seruandis debite seruatis conclusioneque in eadem facta ad nostre sentencie diffinitiue in causa et materia prefatis prolacionem processimus eamque tulimus et promulgauimus forma subsequente. Nos Andreas Dei et apostolice sedis gracia episcopus Glasguensis iudex et executor vnicus a sede apostolica cause et partibus infrascriptis specialiter deputati pro tribunali sedentes in quadam causa super extinccione et suppressione nominis et dignitatis cancellarie Sanctiandree alias erectorum et reduccione Hospitalis pauperum de Soltre dicte diocesis in statum pristinum illoque reducto

part, as we are bound to do, at the instance of the said most serene Princess our Lady the Queen and her procurators so demanding, the reverend father and lord in Christ Lord James by divine mercy Bishop of St Andrews, and the venerable father and men the Prior and the Convent of St Andrews, and others having interest having been duly cited and called by us, and their clear and express consent to the underwritten being accorded, diligent information of all and sundry in the foresaid letters apostolic contained and related being obtained by us, the substantial limits which ought of right to be observed in the cause and matter foresaid having been duly observed, and a conclusion in the same having been formed, we have proceeded to pronounce our definite sentence in the cause and matter aforesaid, and have passed and promulgated the same in the following form: We Andrew, by the grace of God and the Apostolic See Bishop of Glasgow, judge and sole executor to the cause and to the parties underwritten specially deputed by the Apostolic See, sitting in judgment in a certain cause regarding the extinction and suppression of the name and dignity of the Chancellorship of St Andrews formerly established, and of the reduction of the Hospital of the poor of Soltray of said diocese to its pristine state, and after its reduc-

vnione anneccione et incorporacione Collegio et Hospitali nouiter per serenissimam principissam et dominam dominam Mariam Dei gracia Reginam Scocie illustrissimam iuxta Burgum de Edinburgh ex parte boriali eiusdem fundato per dictam serenissimam principissam actricem ab vna et reuerendum in Christo patrem et dominum Jacobum miseracione diuina episcopum Sanctiandree venerabilesque patrem et viros priorem et conuentum eiusdem et alios quorum interest reos partibus ab altera coram nobis iudicialiter ventilata cognoscentes auditis prius pro parte dicte domine Regine propositis iuribus et probacionibus ipsius ex parte productis visis rimatis et intellectis ac ad plenum discussis et consideratis et quia omnia et singula in huiusmodi literis apostolicis narrata et expressa veritate fulciri comperimus ac resignacionem prefate cancellarie per dictum Johannem possessorem eiusdem alias sponte et libere factam consensuque serenissimi principis et domini nostri domini Jacobi moderni Scotorum Regis illustrissimi dicti hospitalis de Soltre patroni vnici et indubitati ad hoc reuerendi eciam in Christo patris et domini domini Jacobi episcopi Sanctiandree prioris

tion, for its union, annexation, and incorporation with the College and Hospital newly founded by the most serene Princess and lady Lady Mary by the grace of God the most illustrious Queen of Scotland, near the Burgh of Edinburgh on the north side of the same, examining the pleas raised judicially before us by the said Most Serene Princess, pursuer, on the one part, and by the reverend father in Christ and Lord James by divine mercy Bishop of St Andrews, and the venerable father and men the Prior and the Convent of the same, and others interested, defenders, on the other part, having first heard what was set forth on the part of the said Lady the Queen, and having seen, investigated, and understood and fully discussed and considered the rights and proofs brought forward on her part, and whereas we have found the matters all and sundry narrated and expressed in the said Letters Apostolic to be founded in truth, and the resignation of the foresaid Chancellorship to have been freely and spontaneously made by the said John, the possessor of the same, and with the consent of the most Serene Prince and our lord Lord James the present most illustrious King of Scots, sole and undoubted patron of the said hospital of Soltray, as also with the clear express consent of the reverend father in Christ and lord, Lord James

et conuentus euisdem prefatorum claro et expresso accedente consensu Deum pre oculis habentes eiusque nomine sanctissimo primitus inuocato iurisperitorum eciam consilio secuto auctoritate apostolica qua fungimur in hac parte per hanc nostram sentenciam diffinitiuam quam ferimus in hiis scriptis pronunciamus decernimus et declaramus nomen et dignitatem dicte cancellarie in dicta ecclesia Sanctiandree extinguenda et suppremenda fore prout supprimimus et extinguimus et Hospitale pauperum de Soltre in statum pristinum reducendum fore et reducimus et sic reductum cum omnibus iuribus et pertinenciis suis Collegio et Hospitali Sancte Trinitatis nouiter fundato perpetuo vnimus annectimus et incorporamus aliasque in premissis et eorum circumstanciis prouidendum fore decernimus. Lecta lata et promulgata fuit hec nostra sentencia diffinitiua in ecclesia parochiali Beati Michaelis de Linlithqw Sanctiandree diocesis sexto die mensis Marcii anno Domini millesimo quadringentesimo sexagesimo primo· indiccione decima pontificatus sanctissimi in Christo patris et domini nostri domini Pii diuina prouidencia Pape secundi predicti anno quarto. In quorum omnium et singulorum fidem et testimonium premissorum has literas nostras

Bishop of St Andrews, the Prior and the Convent of the same aforesaid, having God before our eyes and having first invoked his most holy name, having followed also the advice of those skilled in law, by the apostolic authority which we exercise in this part, by this our definite sentence which we pass in these writings, pronounce, decern, and declare the name and dignity of the said Chancellorship in the said Church of St Andrews to be extinguished and suppressed, as we suppress and extinguish the same, and the Hospital of the poor of Soltray to be reduced to its pristine state, and we reduce it; and it being so reduced we unite, annex, and incorporate it for ever with all its rights and pertinents, with the newly founded College and Hospital of the Holy Trinity, and otherwise decern provision to be made in the premises and their circumstances: This our definite sentence was read, passed, and promulgated in the Parish Church of St Michael of Linlithgow, in the diocese of St Andrews, on the sixth day of the month of March, in the year of our Lord one thousand four hundred and sixty-one, the tenth indiction, of the pontificate of the most holy father in Christ and our Lord, by divine providence Pope Pius the Second aforesaid, the

sigillo nostro roboratas signo et subscripcione notarii publici subscripti subscribi et publicari mandauimus. Datum et actum apud burgum de Lynlithqw predictum anno die mense indiccione et pontificatu prefatis presentibus ibidem discretis et honestis viris dominis Thoma de Kirkpatrik, Patricio Broune, Johanne Pettygrew, presbyteris Jacobo Stewart, Johanne Neilsone, Andrea Grynlaw et Georgio Clerc, testibus ad premissa vocatis et rogatis.

Et ego Ricardus Roberti presbyter Sanctiandree diocesis publicus auctoritate imperiali notarius et coram dicto reuerendo patre domino episcopo iudice in huiusmodi causa scriba iuratus quia dictarum literarum apostolicarum presentacionem recepcionem causeque huiusmodi deduccionem et sentencie prolacionem ceterisque omnibus et singulis dum sic ut premittitur dicerentur et fierent vnacum prenominatis testibus presens interfui eaque omnia et singula sic fieri et dici vidi et audiui ac in notam

fourth year. In faith and testimony of all and each of these premises we have ordered these our letters, confirmed by our seal, to be subscribed with the seal and subscription of the notary underwritten and to be published. Given and done at the burgh of Linlithgow aforesaid, the year, day, month, indiction, and pontificate aforesaid, in presence of discreet and honest men Sirs Thomas of Kirkpatrick, Patrick Brown, John Pettigrew, Priests, James Stewart, John Neilson, Andrew Greenlaw, and George Clark, witnesses to the premises called and required.

And I Richard Roberts, priest of the diocese of St Andrews, by imperial authority, Notary Public, and in presence of the said reverend father, the Lord Bishop, judge in this cause, sworn scribe, inasmuch as at the presentation and reception of the said letters apostolic, the deduction of said cause, and the passing of sentence, and the other things all and sundry while as is premised, they were said and done, along with the forenamed witnesses, being present, I saw and heard them all and each so done and spoken, and took a note of the same, and have then made out this

recepi ideoque hoc presens publicum instrumentum siue presentes literas huiusmodi processum in se continentes siue continens exinde confeci et in hanc publicam formam redegi signoque et nomine meis solitis et consuetis vnacum appensione sigilli dicti domini episcopi et iudicis signaui rogatus et requisitus in fidem et testimonium omnium et singulorum premissorum.

present public instrument or the present letters containing in themselves such process, and have reduced them into this public form, and have signed them with my name and seal, used and wont, as well as affixed the seal of the said Lord Bishop and Judge, being called and required in faith and testimony of all and sundry the premises.

XXXVIII.

CONFIRMATION of the Foundation of the Collegiate Church of the Holy Trinity, 1462.

JACOBUS Dei et apostolice sedis gracia Sanctiandree episcopus vniuersis sancte matris ecclesie filiis ad quorum noticias presentes litere peruenerint salutem in omnium Saluatore. Splendor eterne

JAMES, by the grace of God and the Apostolic See, Bishop of St Andrews; To all the sons of holy mother church to whose notice the present letters shall come, greeting in the Saviour of all. The splendour of the eternal glory which with

glorie qui sua mundum illuminat ineffabili claritate pia vota fidelium de sue maiestatis clemencia tum benigno fauore prosequitur cum deuota ipsorum humilitas et sincerus affectus in diuini cultus augmentum feruore dinoscuntur. Nos vero de superis ad inferiora deriuatis exemplis piis desideriis iustisque supplicancium precibus quos fides spes et caritas ad deuocionis affectum continue solicitant ut ad graciam dispositi et ad gloriam inuitati in piis actibus accuracius perseuerent tam vigor et feruor equitatis quam ordo racionis fauere nos inducunt. Literas igitur prepotentissime principisse et domine domine Marie Die gracia Regine Scocie suo sigillo sigillatas pium et laudabile eiusdem principisse Propositum perpetuum Collegium siue Ecclesiam Collegiatam vnius prepositi et octo capellanorum ac duorum puerorum ibidem diuino cultui deputandorum prope Burgum de Edinburgh ex parte boreali eiusdem cum Hospitali tresdecim pauperum in eodem sustinendorum perpetuis futuris temporibus duraturum super terris et ecclesiis beneficii de Soltre Collegio et Hospitali suo apostolica auctoritate vnitis et incorporatis necnon et super terris de Ballernow et hospitali de

its ineffable brightness illuminates the world, of the clemency of its majesty accompanies with benignant favour the pious vows of the faithful when their devout humility and sincere zeal for the furthering of divine worship are distinguished for fervour. We, therefore, deriving example for things below from those above, are induced, both by the vigour and zeal of equity and the course of reason, to favour the pious desires and earnest prayers of supplicants whom faith, hope, and charity continually stir up to zeal of devotion, so that being disposed to grace and invited to glory they may the more diligently persevere in pious actions. We have received the letters of that most potent Princess and lady, Lady Mary, by the grace of God Queen of Scotland, sealed with her seal, containing the pious and laudable proposal of the said princess, desiring to constitute and found a perpetual College or Collegiate Church, of one provost and eight chaplains and two boys to perform divine worship therein, near the Burgh of Edinburgh, on the north side of the same, with an Hospital for the maintenance therein in all time coming of thirteen poor persons, from the lands and churches of the benefice of Soltray by apostolic authority united to and incorporated with the said College and its Hospital, and also from the lands of Ballerno and the hospital of Uthirregale, and its other lands,

Vthirregale ac aliis terris suis possessionibus et annuis redditibus infrascriptis ordinare et fundare desiderantis necnon ipsius principisse humilem supplicacionem vt dicti Collegii fundacionem disposicionem et ordinacionem prefatas per nostri solicitudinem officii ad effectum producere approbare ratificare et confirmare dignaremur continentes recepimus in hec verba.

MARIA Dei gracia Regina Scocie reuerendo in Christo patri ac domino domino Jacobo Dei et apoctolice sedis gracia Sanctiandree episcopo etc. consanguineo nostro carissimo reuerencias tanto patre dignas cum honore. Nouerit vestra reuerenda paternitas quod in laudem et honorem Sancte Trinitatis beate et gloriose semper Virginis Marie Sancte Niniani confessoris et omnium sanctorum et electorum Dei nos Maria predicta cum consensu et assensu illustrissimi principis Domini Jacobi inuictissimi filii nostri Regis Scocie ad perpetuam rei memoriam pro salute anime quondam inclitissimi principis Jacobi Scotorum Regis pie memorie nostri sponsi necnon omnium regum et reginarum defunctorum et defunctarum Scocie necnon pro salute illustrissimi principis Jacobi moderni Regis Scocie filii nostri prefati et pro salute anime nostre patris et matris omnium nostrorum

possessions and annual rents underwritten, likewise the humble supplication of the said Princess, that of the solicitude of our office we should see fit to carry into effect, approve, ratify, and confirm the foresaid foundation, disposition and settlement of the said College, in these words:

MARY, by the grace of God Queen of Scotland, to the reverend father in Christ and lord, Lord James, by the grace of God and the Apostolic See Bishop of St Andrews, &c., to our most dearly beloved cousin, the reverence and honour worthy of such a father: Know reverend father that, for the praise and honour of the Holy Trinity, of the blessed and ever glorious virgin Mary, of St Ninian the confessor, and of all the saints and elect of God, we Mary aforesaid, with consent and assent of the most illustrious prince Lord James, our most invincible son, King of Scotland, in perpetual memorial hereof, for the weal of the soul of the late most famous prince, James King of Scots, of pious memory, our husband, as well as of all the Kings and Queens of Scotland deceased, and for the health of the most illustrious prince, James the present King of Scotland, our son aforesaid, and for the weal of our soul and of the souls of our father and mother, of all our

antecessorum filiorum et filiarum successorum et ab eisdem descendencium ac pro salute reuerendi in Christo patris Domini Jacobi Sanctiandree episcopi moderni consanguinei nostri carissimi et omnium consanguinitate affinitate seu beneficiis nobis coniunctorum et omnium quos in hac vita offendimus ad quorum obligamur emendam ac omnium fidelium defunctorum PREPOSITURAM pro preposito qui aliis in preeminencia honore et dignitate in Ecclessia Collegiata Sancte Trinitatis prope Edinburgh quoad chori et diuini cultus regimen preponetur et octo prebendis perpetuis in quibus octo presbyteri Deo perpetuo administraturi cum duobus pueris siue clericis cum sufficiente porcione inferius designanda deputabuntur facimus constituimus et ordinamus ac in perpetuum fundamus. Preposituram vero dicte ecclesie Collegiate Sancte Trinitatis prope Edinburgh super fructibus inferius designatis cum modificacione sequenti deputamus et assignamus. Prepositus vero dicti Collegii habebit pro sua sustentacione ecclesiam de Soltre et subibit onera dicte ecclesie incumbencia videlicet soluet pensionem vicario dicte ecclesie debitam et sustentabit tres pauperes ibidem degentes cum reparacione et sustentacione ecclesie in tecto et ornamentis ut oportet .

ancestors, of the sons and daughters, the successors and those descending from them, and for the health of the reverend father in Christ, Lord James, present Bishop of St Andrews, our dearest cousin, and of all connected with us by consanguinity, affinity, or benefits, and of all whom we have offended in this life, to whom we are bound to make amends, and of all the faithful deceased, make, constitute, and ordain and for ever found a PROVOSTRY for a Provost, who shall be set over the others in pre-eminence, honour, and dignity in the Collegiate Church of the Holy Trinity near Edinburgh, as regards the regulation of the choir and of divine worship, with eight perpetual Prebends, in which eight Priests to serve God for ever, with two boys or clerks, with a sufficient maintenance to be specified below, shall be appointed. We moreover destine and assign the fruits below specified, under the following modification, to the Provostry of the said Collegiate Church of the Holy Trinity near Edinburgh : The Provost of the said college shall have for his maintenance the church of Soltray, and shall undertake the burdens incumbent on the said church, viz., he shall pay the pension due to the Vicar of the said church, and shall sustain three poor persons living there, along with the repair and upholding of the church in its roof and ornaments as is fitting. He shall also have the lands of

qui eciam habebit terras de lie Barnis de Soltre cum pertinenciis suis et terras ville de Hangandschaw cum suis pertinenciis dari solitis et consuetis et ecclesiam de Lempetlaw cum vniuersis suis fructibus eidem pertinentibus . et pro istis duabus ecclesiis preposito assignatis ipse prepositus subibit episcopalia et archidiaconalia onera de huiusmodi ecclesiis prestari solita et consueta. Primus vero prebendarius post prepositum vocabitur magister hospitalis Sancte Trinitatis prope Edinburgh qui habebit pro sua prebenda et sustentacione congrua quartam partem fructuum rectorie ecclesie de Strathichmartin Sanctiandree diocesis et duas libratas terrarum in villa de Fawlahill infra Heriotmoore et duas marcas annui redditus de domo quondam Willelmi Clunes in Leythe et viginti solidos in villa de Risolton et quinque solidos annui redditus de domibus Joannis Alansone et Joannis Lawsone in Leyth ad duos anni terminos Sancti Martini et Penthecostes per equales porciones et viginti solidos annui redditus de domo Wauklet in Edinburgo et quinque solidos de domo domini Thome episcopi Dunkeldensis et sex solidos et octo denarios in villa de Lawdre per nos postea limitandos et sex solidos octo denarios in villa de Stramiglow per nos postea de-

the Barns of Soltray with their pertinents, and the lands of the town of Hangandshaw with their pertinents used and wont to be given, and the church of Lempetlaw with all the fruits thereto belonging; and for these two churches assigned to the said Provost, he shall bear the Episcopal and Archidiaconal dues of the said churches used and wont to be paid. The first prebendary after the Provost, shall be called Master of the Hospital of the Holy Trinity near Edinburgh, and shall have for his prebend and suitable maintenance a fourth part of the fruits of the rectorial church of Strathmartin, in the diocese of St Andrews, and two pounds land in the town of Fawlahill within Heriot moor, and two merks of annual rent from the house of the late William Clunes in Leith, and twenty shillings in the town of Risolton, and five shillings of annual rent from the houses of John Alanson and John Lawson in Leith, at two terms in the year Martinmas and Whitsunday by equal portions, and twenty shillings of annual rent from the house of Wauklet in Edinburgh, and five shillings from the house of the Lord Thomas, Bishop of Dunkeld, and six shillings and eight pence in the town of Lawder to be afterwards bounded by us, and six shillings and eight pence in the town of Strathmiglow to be by us afterwards declared, as in the rental of

clarandos prout in rentali de Soltre clarius continetur et decem solidos de quadam villa prope Linlithcow prout in rentali continetur et quinque marcatas terrarum de Browderstanis et de Gilestoun infra dominium de Soltre per nos cum suis limitibus terminis et bondis specificandis . qui Magister Hospitalis habebit plenam disposicionem omnium fructuum hospitali et pauperibus inferius designandorum pro eorundem sustentacione limitandorum sic quod prouide et prudentur omnibus et vnicuique in singulis necessariis secundum Deum et bonam conscienciam et fructuum facultates prouideat bis in anno preposito et capitulo ad duos anni terminos Penthecostes et Sancti Martini in hieme et aliis temporibus si necessitatas id exigerit computum prestando et reddendo. Secundus prebendarius post prepositum [qui] vocabitur Sacrista habebit pro sua sustentacione quinque marcatas terrarum in villa de Hill infra dominium de Ballernow et quinque marcatas terrarum de Browderstanis [et] de Gilston dominii de Soltre per nos limitandas vt supra et quartam partem fructuum rectorie de Strathichinmartin . qui Sacrista habebit plenam disposicionem omnium fructuum inferius designandorum communitati et capitulo pertinencium pro necessariis cotidianis ecclesie

Soltray is more clearly contained, and ten shillings from a certain town near Linlithgow, as is contained in the rental, and five merks of the lands of Browderstanes and Gileston, within the lordship of Soltray, with their limits, marches, and bounds to be by us specified; and the said Master of the Hospital shall have the full disposal of all the fruits to be described below for the Hospital and the poor, and to be appointed for their maintenance, so that he may providently and prudently make provision for all and each in all necessaries according to God and a good conscience, and the capabilities of the fruits, shewing and rendering an account to the provost and chapter twice a-year, at the two terms of Whitsunday and Martinmas in winter and at other times, if necessity shall so require. The second Prebendary after the Provost, who shall be called the Sacristan, shall have for his maintenance five merks of lands in the town of Hill, within the lordship of Ballerno, and five merks of the lands of Browderstanes and Gileston, of the lordship of Soltray, to be defined by us as above, and a fourth part of the profits of the rectory of Strathmartin: And the said Sacristan shall have the full disposal of all the fruits to be below described pertaining to the Community and Chapter, to be collected and disposed of for the daily necessaries of the collegiate church;

collegiate comparandorum et disponendorum . qui reddet computum preposito et prebendariis quater in anno in quatuor sabbatis quatuor temporum et non comparabit preciosa negocia nisi cum consilio prepositi et capituli custodietque ecclesiam in omni honestate ornamenta eiusdem iocalia et vasa sacra seruabit campanas pulsabit vinum panem et luminaria ministrabit aliaque exercebit que de consuetudine laudabili et obseruata in aliis ecclesiis ad officium Sacriste pertinere dinoscuntur. Tercius Prebendarius qui vocabitur Prebendarius de Browderstanis habebit pro sua prebenda quinque marcatas terrarum de Browderstanis et Gilstoun limitandas per nos et aliam quartam partem fructuum rectorie de Strathichinmartin antedicte. Quartus prebendarius qui intitulabitur Prebendarius de Strachinmartin habebit quinque marcatas terrarum de Browderstanis et de Gilstoun per nos limitandas et vltimam quartam [partem] fructuum rectorie de Strathichinmartin antedicte. Qui quatuor prebendarii prenominati subibunt omnia onera episcopalia et archidiaconalia et alia de iure solui consueta cum ecclesie reparacione et sustentacione de primis fructibus rectorie de Strathichinmartin inter predictos quatuor prebendarios equaliter con-

and he shall render an account to the Provost and Prebendaries four times in the year, on the four Saturdays of the four seasons, and shall not settle important business unless with the advice of the Provost and Chapter, and shall keep the church in all propriety, and have the custody of the ornaments, jewels, and sacred vessels of the same, and ring the bells, and supply wine, bread and lights, and exercise the other functions which, according to laudable and observed usage in other churches, are known to belong to the office of Sacristan. The third Prebendary, who shall be called Prebendary of Browderstanes, shall have for his prebend five merks of the lands of Browderstanes and Gilston, to be defined by us, and another fourth part of the fruits of the rectory of Strathmartin aforesaid. The fourth Prebendary, who shall be styled Prebendary of Strathmartin, shall have five merks of the lands of Browderstanes and of Gilston, to be defined by us, and the last fourth part of the fruits of the rectory of Strathmartin aforesaid: And the four Prebendaries aforenamed shall undertake all the dues which of right used to be paid to the Bishop, Archdeacon, and others, with the repair and upholding of the church from the first fruits of the rectory of Strathmartin equally divided among the foresaid four Prebendaries. The fifth Prebendary,

diuisis. Quintus prebendarius qui intitulabitur de Gilstoun habebit quinque marcatas terrarum de Browderstanis et Gilstoun per nos limitandas vt supra et primam quartam [partem] fructuum rectorie ecclesie de Ormistoun Sanctiandree diocesis. Sextus prebendarius qui intitulabitur de Ormistoun habebit quinque marcatas terrarum de Browderstanis et Gilstoun per nos limitandas et secundam quartam partem fructuum rectorie ecclesie de Ormistoun antedicte . Septimus prebendarius qui intitulabitur de Hill habebit quinque marcatas terrarum infra dominium de Ballerno per nos limitandas et terciam quartam [partem] fructuum rectorie de Ormistoun. Octauus prebendarius qui intitulabitur de Newlandis habebit quinque marcatas terrarum de Newlandis dominii de Soltre et vltimam quartam [partem] fructuum rectorie de Ormistoun antedicte. Quiquidem vltimi quatuor prebendarii subibunt onera episcopalia et archidiaconalia cum reparacione et sustentacione ecclesie de Ormistoun de primis fructibus eiusdem cum aliis oneribus de iure et consuetudine solui consuetis. Statuimus insuper et ordinamus vt in eodem nostro Collegio sint duo Clerici qui parebunt preceptis prepositi et habebunt pro sua sustentacione decem libratas terrarum de Ballerno

who shall be styled of Gilston, shall have five merks of the lands of Browderstanes and Gilston, to be defined by us as above, and the first fourth part of the fruits of the rectory of the church of Ormiston, in the diocese of St Andrews. The sixth Prebendary, who shall be styled of Ormiston, shall have five merks of the lands of Browderstanes and Gilston, to be defined by us, and the second fourth part of the fruits of the rectory of the church of Ormiston aforesaid. The seventh Prebendary, who shall be styled of Hill, shall have five merks of lands within the lordship of Ballerno, to be defined by us, and the third fourth part of the fruits of the rectory of Ormiston. The eighth Prebendary, who shall be styled of Newlands, shall have five merks of the lands of Newlands, in the lordship of Soultray, and the last fourth part of the fruits of the rectory of Ormiston aforesaid. The last four Prebendaries shall bear the dues to the Bishop and Archdeacon, with the repair and upholding of the church of Ormiston from the first fruits of the same, with the other burdens wont to be discharged of law and custom. We moreover statute and ordain, that in our said College there shall be two clerks, who shall obey the commands of the Provost, and shall have for their maintenance ten pounds of the lands of Ballerno, to be defined by us, and to be equally

per nos limitandas equaliter inter eosdem diuidendas qui remouebiles erunt ad placitum prepositi et collegii antedictorum. Et pro tresdecim pauperibus in nostro Hospitali sustinendis limitamus et ordinamus hospitale de Vthirrogill et rectoriam de Weymis Sanctiandree diocesis et decem libras annui redditus ville de Edinburgh de communi eiusdem ac decem libras de certis terris et tenementis cum acris et annuis redditibus nobis in villa de Leyth debitis et pertinentibus . Insuper ordinamus pro reparacione Ecclesie Collegiate prefate et necessariis in eadem supportandis quadraginta sex libras nouem solidos de fructibus rectorie de Kirkurd Glasguensis diocesis [et] resta terrarum nostrarum de Ballerno. Onera vero episcopalia archidiaconalia et alia solui consueta cum reparacione et sustentacione ecclesie de Kirkurd subibit Sacrista dicti collegii qui habebit recepcionem omnium bonorum prescriptorum vt superius est expressum. Quiquidem prebendarii predicti omni die anni matutinas magnam missam vesperas [et] completorium cum nota cantabunt. Prepositus vero matutinis misse [et] vesperis festiuis diebus interesse teneatur. Omnes autem prebendarii predicti residenciam facient personalem et per seipsos et non per alium seu alios premissa

divided between them, and who shall be removeable at the pleasure of the Provost and College aforesaid. And for the maintenance of thirteen poor persons in our hospital we set aside and ordain the Hospital of Uthirrogill and the rectory of Wemyss, in the diocese of St Andrews, and ten pounds of the annual rents of the town of Edinburgh from the common good of the same, and ten pounds from certain lands and tenements, with acres and annual rents due and pertaining to us in the town of Leith. Moreover, we ordain for the repair of the Collegiate Church aforesaid, and for the supply of necessaries in the same, forty-six pounds nine shillings of the profits of the rectory of Kirkurd, in the diocese of Glasgow, and the remainder of our lands of Ballerno; and the Sacristan of the said Collegiate Church shall bear the burdens of the dues used to be paid to the Bishop, Archdeacon and others, with the repair and upholding of said church of Kirkurd, and shall have the receiving of all the goods aforesaid as is above expressed. The Prebendaries aforesaid, moreover, shall every day in the year sing matins, high mass, vespers, and compline, with notes. The Provost shall also be present at matins, mass, and vespers on festival days. All the foresaid prebendaries shall also make personal residence, and shall implement and discharge the duties aforesaid by themselves

perimplebunt siue administrabunt. Ipse vero prepositus ad residenciam obligetur personalem ita quod si ipsum per quindecim dies continuos abesse contingat capitulum dicti Collegii vt ad residenciam reuertatur apud patronum instabit vt ipsum ad residenciam compellat et si infra quindecim dies alios post denunciacionem patrono factam ad residenciam non reuertatur animo permanenti ex hoc ipso ipsa prepositura sine strepitu et figura iudicis vacare censebitur et si infra quindecim dies post huiusmodi vacacionem patronus ordinario prepositum nouum non presentauerit capitulum alium prepositum ordinario presentabit. Et ordinamus quod nullus prebendariorum aut clericorum sine licencia prepositi desuper obtenta se absentet . vltra vero quindecim dies preposito aliquem licenciare non licebit nisi ex magna et ardua causa et hoc cum consensu capituli sui desuper requisito et obtento . contrarium autem faciens ipso facto a iure suo prebende cadet et sua prebenda censebitur .vacare et realiter vacet per prepositum et capitulum et prouisionem ordinarii libere conferenda. Et si quis prebendariorum concubinam seu focariam detinuerit et illam per prepositum ter monitus non dimiserit cum effectu eo viso censeatur sua prebenda vacare et

personally, and not by others one or more. The Provost himself, shall likewise be bound to personal residence, in such manner that if he shall happen to be absent for fifteen successive days, the Chapter of the said College, shall, in order that he may return to personal residence, urge upon the Patron to compel him to residence, and if within fifteen other days after denunciation made to the patron, he shall not return to residence with the intention of remaining, the said provostship shall, from that fact alone, be considered vacant without trouble or formal deliverance of the judge; and if within fifteen days after such vacancy the Patron shall not have presented a new Provost to the Ordinary, the Chapter shall present another Provost to the Ordinary. And we ordain that none of the prebendaries or clerks shall absent himself without leave of the Provost first obtained; but it shall not be lawful for the Provost to licence any one beyond fifteen days, unless for great and pressing reason, and this with consent of the Chapter thereto required and obtained. One doing the contrary shall *ipso facto* fall from his right of prebend, and his prebend shall be considered, and shall be in reality vacant, and at the free disposal of the Provost and chapter, and the provision of the Ordinary. And if any of the prebendaries shall keep a concubine or a chamberwoman, and shall not

vacet modo premisso per ordinarium conferenda. Prepositus vero dicti Collegii quocies dictam prepositurum vacare contigerit per nos et successores nostros Reges Scocie ordinario presentabitur. Vicarii ad extra ecclesiarum predictarum per prepositum et capitulum suum et prebendarii dicti Collegii ordinario presentabuntur a quo recipiant canonicam institucionem . et nullus prebendarius instituatur nisi sufficiens fuerit legendo [et] concinendo plano cantu et discantu. Pueri vero dociles ad premissa existant. Volumus eciam et ordinamus quod quilibet prebendariorum cum dispositus fuerit missam celebret qui post missam sacerdotalibus indutus ornamentis cum isopa ad fundatricis sepulchrum accedet ibique *De profundis* cum oracione fidelium et populorum ad deuocionem exortacione deuote perleget . Volumus eciam et ordinamus quod matutina a festo Penthecostes vsque ad festum Sancti Michaelis hora inchoentur quinta de mane et a festo Sancti Michaelis vsque ad Penthecosten hora de mane sexta inicium accipiant et quod statim matutinis finitis ad altare Beate Virginis eadem missa ebdomidalis secundum tabulam pro itinerantibus celebretur et similiter fiat missa ebdomidalis in capella hospitalis hora nona pro pauperibus et infirmis

dismiss her on being thrice admonished by the Provost, his prebend shall be held to be, and shall be vacant and at the collation of the Ordinary in manner aforesaid. Moreover, a Provost of the said College, as often as the said provostry shall happen to be vacant, shall be presented to the Ordinary by us and our successors the Kings of Scotland. The extra-collegiate Vicars of the churches aforesaid, and the Prebendaries of the said College shall be presented by the Provost and his Chapter to the Ordinary, from whom they shall receive canonical institution; and no prebendary shall be appointed unless he shall be capable of reading and singing in plain chant and descant. The boys, moreover, shall be capable of learning these. We will also, and ordain that each of the prebendars, when he shall be disposed, shall celebrate mass, and after mass, robed in his sacerdotal habiliments, shall go with hyssop to the tomb of the foundress, and there shall devoutly read the *De profundis* with the prayer of the faithful and an exhortation of the people to devotion. We will also and ordain that from Whitsunday to Michaelmas matins shall begin at the fifth hour in the morning, and from Michaelmas to Whitsunday at the sixth hour in the morning; and that immediately on matins being concluded, at the altar of the blessed Virgin, the weekly mass, according to the table, shall be celebrated

ibidem degentibus. Volumus eciam et ordinamus vt prepositus et prebendarii antedicti tempore vite nostre anniuersarium pro quondam illustrissimo principe Jacobo Scotorum Rege nostro tenerrimo coniuge deuote impendant et post nostrum decessum anniuersarium suum et nostrum pro nobis et nostris liberis antecessoribus et successoribus nostris die obitus sui et nostri necnon pro prefato reuerendo in Christo patre Jacobo moderno episcopo Sanctiandree post suum decessum perpetuis futuris temporibus decantent et celebrent. Insuper statuimus et ordinamus quod dicti prebendarii in Ecclesia Collegiata antedicta administraturi in suo primo introitu preposito pro tempore existenti obedienciam prestent manualem. Reformaciones et correcciones defectuum circa regimen diuini cultus in ipso collegio contingencium ad prepositum cum cohercione debita pertineant qui eciam defectus in penis pecuniariis seu aliis secundum statuta prepositi et capituli desuper condenda permutari ac leuari valeant et debeant. Postremo statuimus et ordinamus vt nobis facultas omnimoda et plena potestas quoad vixerimus addendi diminuendi et permutandi et singula obscura et minus clara illucidandi in premissis singulis eorum articulis et

for travellers; and similarly a weekly mass shall be performed in the chapel of the Hospital, at the ninth hour, for the poor and infirm living there. We will also, and ordain that the Provost and Prebends aforesaid shall, during our lifetime devoutly observe an anniversary for the late most illustrious prince, James King of Scots, our most tender husband, and, after our decease, shall, on the days of his and our decease, sing and celebrate his and our anniversaries for us and our children, our ancestors, and successors, as also for the foresaid reverend father in Christ, James the present bishop of St Andrews, after his decease in all time to come. Moreover, we statute and ordain that the said Prebendaries, who are to minister in the Collegiate Church aforesaid, shall, on their first entrance, give manual obedience to the Provost for the time being. The reformation and correction of defects occurring in the order of divine worship in the said College shall pertain to the Provost, with due coercion, and these defaults also can and ought to be atoned for and discharged by pecuniary and other penalties according to the statutes to be framed by the Provost and Chapter thereanent. Lastly, we statute and ordain that every kind of faculty and full power be reserved to us so long as we live to add, diminish, and alter, and to elucidate everything obscure and not sufficiently clear, in all the several premises, their

membris incidentibus dependenciis et connexis in vberiori forma secundum iurisperitorum et virorum prudencium consilium reseruetur. Vestram igitur reuerendam paternitatem humiliter precamur et requirimus quatenus dicti Collegii fundacionem dotacionem et diuisionem seu distribucionem per nos vt premittitur factas in omnibus suis punctis membris et articulis per vestram solicitudinem pastoralis officii ad effectum debitum perducendas approbare ratificare et confirmare dignaremini gracia speciali. In cuius rei testimonium magnum sigillum nostrum presentibus est appensum testibus reuerendo in Christo patre Andrea episcopo Glasguensi, venerabili patre Henrico abbate de Pasleto, Andrea domino Avondale cancellario Scocie, Georgio comite Angusie, Alexandro domino Montgomery et Joanne Ros de Halkheid milite, apud Perthe vigesimo quinto die mensis Marcii anno Domini millesimo quadringentesimo sexagesimo secundo.

Post quarumquidem literarum premissarum presentacionem et receppcionem pro parte dicte illustrissime principisse nobis fuit humilter suplicatum quatenus ipsius Collegii fundacionem dotacionem ordinacionem disposicionem diuisionem et distribucionem sic vt premittitur

articles, members, incidents, dependencies, and connections in fuller form, according to the advice of men of legal skill and prudence. We therefore humbly pray and require you, reverend father, that, of special grace, you, of the solicitude of your pastoral office, will be pleased to approve, ratify, and confirm the foundation and endowment of the said College, with the division or distribution made by us as aforesaid in all their points, members, and articles, to be carried to due effect. In testimony of which, our great seal has been affixed to these presents, witnesses, the reverend father in Christ, Andrew Bishop of Glasgow, the venerable father Henry Abbot of Paisley, Andrew Lord Avondale Chancellor of Scotland, George Earl of Angus, Alexander Lord Montgomery, and John Ross of Halkhead, Knight, at Perth, the twenty-fifth day of the month of March, the year of our Lord one thousand four hundred and sixty-two.

After the presentation and reception of which Letters aforesaid, on the part of the said most illustrious Princess, it was humbly supplicated of us that of our pastoral authority we should be pleased to ratify, approve, and confirm the foundation, endowment, ordinance, disposition, division, and distribution of the said

factas in omnibus articulis punctis et membris nostra pastorali auctoritate ratificare approbare et confirmare dignaremur. Nos vero Jacobus Sanctiandree episcopus supradictus ipsius excellentissime principisse et domine nostre deuotis precibus et piis inclinati desideriis ad Dei Omnipotentis laudem et honorem et perpetuam animarum predictarum memoriam et salutem matura deliberacione et solempni tractatu cum priore et capitulo nostre ecclesie in talibus arduis fieri solitis prehabitis prefatam Collegii Sancte Trinitatis prope Edinburgum ipsius illustrissime principisse fundacionem dotacionem ordinacionem et disposcionem ac reddituum terrarum ecclesiarum et fructuum earundem donaciones concessiones ordinaciones diuisiones distribuciones modo et forma quibus premittitur factas in omnibus suis punctis membris et articulis in vberrima forma que per iurisperitorum prudenciam excogitari poterit pro nobis et successoribus nostris perpetuis futuris temporibus cum consensu et assensu expresso nostri capituli approbamus ratificamus et confirmamus saluis nobis et successoribus nostris obediencia et iurisdiccione ac aliis iuribus ordinariis episcopalibus et archidiaconalibus nobis de iure communi ante huiusmodi annexacionem debitis et consuetis. In cuius rei testimonium sigillum nostrum auctenticum vnacum

College, made as aforesaid in all articles, points, and members. Wherefore we, James, Bishop of St Andrews aforesaid, listening favourably to the devout prayers and pious desires of the said most excellent Princess and our Lady, for the praise and honour of Almighty God, and the perpetual memory and weal of the souls aforesaid, having held mature deliberation and solemn conference with the Prior and Chapter of our Church as is wont to be done in matters of such difficulty, for ourselves and our successors in all time to come, with the express consent and assent of our Chapter, approve, ratify, and confirm the foresaid foundation, endowment, ordination, and disposition, by the said most illustrious Princess, of the College of the Holy Trinity, near Edinburgh, and the donations, grants, ordinances, divisions, and distributions of the revenues, lands, churches, and fruits of the same, made in manner and form as aforesaid, in all their points, members, and articles, and in the fullest form which could be devised by the prudence of persons skilled in law, reserving to us and our successors, the obedience and jurisdiction and other rights ordinary, episcopal and archidiaconal due and wont to pertain to us of common law before such annexation. In testimony

sigillo communi capituli nostri presentibus est appensum apud Sanctumandream primo die mensis Aprilis anno Domini millesimo quadringentisimo sexagesimo secundo et consecracionis nostre vigesimo quinto.*

whereof our authentic seal, along with the common seal of our chapter, has been affixed to these presents, at St Andrews, the first day of the month of April, the year of our Lord one thousand four hundred and sixty-two, and of our consecration the twenty-fifth year.

XXXIX.*

BULL by Pope Pius II. addressed to Queen Mary of Gueldres, confirming the annexation of the Hospital of Soltray to the Collegiate Church and Hospital of the Holy Trinity. Dated 14 Kal. Julii (18th June) 1462.

PIUS EPISCOPUS etc. Carissime in Christó filie Marie Regine Scotorum Illustri, salutem etc. Singularis devotionis affectus, quem ad

PIUS the Bishop, etc. To our most beloved daughter in Christ, Mary, Illustrious Queen of Scots, greeting, etc. The disposition of singular devotion which thou

* [*Note by Sir Lewis Stewart.*—"I extractit this fundatione furth of ane registrie given me in len be Mr Alexander Guthrie towne clerk of Edinburgh and the same is subscryved be Thomas Cottis nottar publict as ane just extract of the originall fundatioune vi November im iiiic lxxxiiii befor Donald Ross dean of Caithnes, Clement Cor, Alexander Elphinstoun and George Newtoun—The nottars subscription hes na signe."]

nos et Romanam ecclesiam gerere comprobaris, non indigne meretur, ut his, que ad divini nominis laudem et gloriam, pauperum quoque et egenorum profectum atque animarum salutem pia sunt ordinatione disposita, ut continuis proficiant incrementis ac perpetua illibata persistant, apostolici muniminis adiiciamus firmitatem. Dudum siquidem pro parte tua nobis exposito, quod olim postquam felicis recordationis Nicolaus papa V. predecessor noster, ex certis causis tunc expressis, hospitale pauperum de Soltre Sancti Andree diocesis in unam dignitatem, Cancellariam noncupatam, in ecclesia Sancti Andree de consensu quondam Alani Cant, ipsius hospitalis tunc Rectoris, per suas litteras auctoritate apostolica erexerat, ac de ipsa Cancellaria eidem Alano providerat, Cancellaria predicta, que de iure patronatus Regis Scotorum pro tempore existit, per obitum dicti Alani, qui usque ad ultimum vite sue dictam Cancellariam ipsam pacifice tenuit et possedit, ac tandem extra Romanam Curiam decessit, vacante, clare memorie, Iacobus Scotorum Rex, verus, dum viveret, et unicus ipsius Cancellarie patronus, dilectum filium Iohannem Tyri clericum Sancti Andree diocesis,

art shewn to bear towards us and the Church of Rome, not unworthily, well deserves that we should add the confirmation of our apostolical muniment to those arrangements which have been made by pious ordinance for the praise and glory of the Divine name, as well as for the advantage of the poor and necessitous, and the weal of souls, so that they may be enriched by continual additions, and remain for ever unimpaired. Inasmuch as it was explained to us a short time ago on thy behalf, that after our predecessor, Pope Nicholas the fifth of happy memory, for certain explicit reasons at the time had, with apostolic authority, by his letters erected the Hospital for the poor of Soltray, in the diocese of St Andrews, into an office of dignity in the Church of St Andrews, named the Chancellorship, with consent of the late Allan Cant, then rector of the said hospital, and had provided the said Allan with the same chancellorship, the chancellorship foresaid, which belongs by right of patronage to the King of Scotland for the time, becoming vacant by the death of the said Allan, who, to the last day of his life, peaceably held and possessed the said chancellorship, and at length died outwith the Roman Court, James, King of Scots, of famous memory, the true and only patron of the said chancellorship while he lived, had presented, within the lawful time, our beloved son John of

bacallarium in decretis, ad Cancellariam ipsam sic vacantem Vicario Venerabilis fratris nostri Episcopi Sancti Andree in spiritualibus generali infra tempus legitimum presentaverat, ipseque Vicarius eundem Iohannem in Cancellarium eiusdem ecclesie ordinaria auctoritate instituerat, quarum quidem presentationis et institutionis vigore idem Iohannes Cancellariam predictam pacifice fuerat assecutus; ac subiuncto, quod tu ad laudem Omnipotentis Dei unam Collegiatam ecclesiam cum hospitali pauperum prope burgum de Edymburg ex parte boreali, dicte diocesis, pro divini cultus augmento, ac Christi pauperum et aliarum miserabilium personarum receptione et sustentatione, de bonis tibi a Deo collatis de novo fundaveras, ac egregio quodam opere construi et edificari feceras, et tam carissimus in Christo filius noster Iacobus Scotorum Rex Illustris, cuius progenitores ipsum hospitale de Soltre ad usum Christi pauperum fundarunt, voluntates suorum progenitorum pro posse observari facere, quam tu, ut prefatum in Cancellariam erectum hospitale ad statum pristinum restitueretur, ipsique novo hospitali erecto incorporaretur, ferventer exoptabatis, prefatus quoque Rex ad hoc consensum prestare paratus existeret, et

Tyre, clerk of the diocese of St Andrews, bachelor-in-laws, for the chancellorship thus vacant, to the Vicar-general in things spiritual of our venerable brother the Bishop of St Andrews, and the said vicar, by his authority as Ordinary, had inducted the said John to the Chancellorship of the same church, by virtue of which presentation and induction the said John had peaceably obtained the said Chancellorship; and it being subjoined that thou, of the goods bestowed on thee by God, hadst anew founded, and in splendid manner hadst caused to be constructed and erected, to the praise of Almighty God, a Collegiate Church with an Hospital for the poor, near the Burgh of Edinburgh, on the north side, in the said diocese, for the furthering of divine worship, for the reception and maintenance of Christ's poor and other miserable persons; and both our most beloved son in Christ, James, illustrious King of Scots, whose forefathers founded the said Hospital of Soltray for the use of Christ's poor, in order that the wishes of his ancestors might be observed as far as possible, and thyself, fervently desired that the foresaid Hospital, which had been erected into a Chancellorship, should be restored to its pristine state and be incorporated with the same newly erected

prout accepimus, ipse Iohannes in favorem dicte unionis, et ut etiam Cancellaria ipsa ad hospitale de Soltre, sicuti prius fuerat, reduceretur, eandem Cancellariam, quam obtinebat, sponte et libere resignare proponeret: Nos tuis in ea parte precibus inclinati, Episcopo Glasguensi, eius proprio nomine non expresso, per alias nostras litteras dedimus in mandatis, ut vocatis Episcopo Sancti Andree prefato, ac dilectis filiis Capitulo dicte ecclesie Sancti Andree, et aliis, quorum interest, de premissis omnibus et singulis, eorumque circumstantiis universis auctoritate nostra se diligenter informaret, et si per informationem huiusmodi ita esse reperiret, ab ipso Iohanne vel procuratore suo ad hoc ab eo specialiter constituto resignationem huiusmodi, si illam in suis manibus sponte facere vellet, auctoritate nostra ea vice dumtaxat reciperet et admitteret, eaque per ipsum recepta et admissa, Cancellariam ipsam, cum per resignationem ipsam vacaret, dummodo tunc non esset in ea alicui specialiter ius quesitum, ac prefati Regis ad id expressus assensus accederet, nomine dignitateque ipsius Cancellarie in ipsa ecclesia per eum suppressis et penitus extinctis, eodem hospitali de Soltre in statum pristinum reducto, illudque in omnibus iuribus et pertinentiis suis novo hospitali prefato eadem auctoritate perpetuo

Hospital for ever, and that the foresaid King was prepared to give his consent to this, and, as we understood, the said John proposed of his own will and freely to resign the said Chancellorship which he held, in favour of such union, and also in order that the said Chancellorship should be reconverted into the Hospital of Soltray, as it had been formerly: We, being favourably disposed to thy petition in that regard, by others our letters commissioned the Bishop of Glasgow, his proper name not being expressed, that the Bishop of St Andrews aforesaid, and our beloved sons the Chapter of the said Church of St Andrews, and others whom it concerns, being summoned, he might inform himself diligently on our authority concerning all and sundry the things aforesaid and all their attendant circumstances, and if by such information he should find it so to be, to receive and accept such resignation, by our authority, from the said John or his procurator appointed by him for this purpose, but only in case he should wish freely to make the same at his own hands; and the said resignation being received and accepted by him, to take over the said Chancellorship, when, by such resignation, it should become vacant, provided no one should then have any special right in it, and

uniret, annecteret et incorporaret; ita quod liceret ex tunc Rectori dicti novi hospitalis per se, vel alium seu alios corporalem possessionem hospitalis de Soltre, iuriumque et pertinentiarum predictorum auctoritate propria apprehendere et perpetuo retinere, ac illius fructus, redditus et proventus in sustentationem pauperum et infirmorum, ac alias in utilitatem ipsorum hospitalium iuxta formam constitutionis pie memorie Clementis pape V. predecessoris super hoc in concilio Viennensi edite convertendos percipere, diocesani loci et cuiusvis alterius super hoc licentia minime requisita, prout in dictis litteris, in quibus quod Alanus Cant tunc ipsius hospitalis de Soltre Rector existeret, et illud in Cancellariam predictam erigi fecisset, expressum fuit, plenius continetur. Cum autem pro parte tua nuper nobis exhibita petitio continebat, [quod] Venerabilis frater noster Thomas modernus Episcopus Dunkeldensis, et non Alanus prefatus, dictam Cancellariam erigi procuraverit, ac tempore date litterarum earundem ecclesia prefata

that the express consent of the said King should be added; and the name and dignity of the same Chancellorship in the said church having been by him totally suppressed and extinguished, and the same Hospital of Soltray being reduced to its pristine state, by the same authority, to unite, annex, and incorporate it, in all its rights and pertinents, to the said new Hospital for ever; so that it might be lawful thenceforth to the Rector of the said new Hospital, by himself or others, one or more, on his own authority, to take and retain for ever corporal possession of the Hospital of Soltray and its rights and pertinents aforesaid, and its fruits, rents, and profits, for the sustentation of the poor and infirm, and otherwise for the use of the same Hospitals, according to the form of constitution of our predecessor, Pope Clement V. of pious memory, promulgated regarding this matter in the Council of Vienne, the permission of the diocesan of the place, or of any other whatever, to this effect, not being in any way required, as in the said letters (in which it was expressed that Allan Cant was then rector of the said Hospital of Soltray, and had caused it to be erected into the foresaid Chancellorship) is more fully contained. But since the petition lately presented to us on thy behalf set forth that our venerable brother Thomas, present Bishop of Dunkeld, and not the foresaid Allan, procured the said Chancellorship to be erected, and at the time of the date of the same letters the foresaid church had not as yet been wholly collegiated, nor

nondum in collegiatam totaliter erecta, neque sumptuosis structuris completa fuerit, ac prius dictus Iohannes resignationem ipsam in manibus prefati Episcopi Sancti Andree, et deinde eiusdem Episcopi Glasguensis fecerit, propter que de ipsarum litterarum viribus posset forsitan hesitari: Nos ne propter ea dicte littere de surreptione notari valeant, providere volentes, tuis in hac parte supplicationibus inclinati, volumus et apostolica auctoritate decrevimus, quod littere nostre predicte ac processus habiti per easdem, et quecunque inde secuta a data presentium valeant, plenamque roboris firmitatem obtineant in omnibus et per omnia, ac si in illis, quod Thomas et non Alanus erectionem predictam fieri procurasset, ac Iohannes prefatus dictam resignationem in manibus prefati Episcopi Sancti Andree loci ordinarii primo ad effectum huiusmodi, et subsequenter in ipsius Glasguensis Episcopi manibus fecisset, expressum extitisset, quodque tempore litterarum nostrarum earundem dicta ecclesia totaliter expleta et in collegiatam ecclesiam erecta foret, nulla mentio facta fuisset. Non obstantibus premissis, ac omnibus illis, que in dictis litteris non obstare voluimus, ceterisque contrariis quibus-

completed in splendid structure, and that the forementioned John made the said resignation in the hands of the foresaid Bishop of St Andrews, and thereafter in those of the same Bishop of Glasgow, on account of which doubts might perchance be entertained regarding the validity of the said letters, We, being favourably disposed towards thy supplications in that regard, desiring to guard against the possibility of the said letters being on that account branded as surreptitious, will, and by apostolic authority have decreed, that our foresaid letters, and the proceedings had in respect thereof, and whatsoever has followed thereon, may from the date of these presents have force, and may obtain the full force of validity in all and through all, as if in them it had been expressly set forth that Thomas, and not Alan, had procured the said erection to be made, and that the foresaid John had made the said resignation to this effect, first in the hands of the foresaid Bishop of St Andrews, the Ordinary of the See, and afterwards in those of the Bishop of Glasgow, and that at the time of our said letters, no mention had been made that the said church was wholly complete, and had been erected into a Collegiate Church. The premises, and all those things in the said letters which we wish not to stand in the way, and everthing else to a contrary purpose notwithstanding. Let no one, therefore (dare) to

cunque. Nulli ergo etc. nostre voluntatis et constitutionis infringere etc. Si quis autem etc. Datum Viterbii Anno etc. M.CCCC.LXII. quartodecimo Kal. Iulii, Pontificatus nostri anno quarto.

infringe (the tenor) of our will and constitution. But if any one, etc. Given at Viterbo in the year etc. M.CCCC.LXII. the fourteenth calend of July, of our pontificate the fourth year.

XXXIX.

BULL by Pope Pius the Second reciting the foundation of the Church and Hospital of Trinity College by Queen Mary of Gueldres, and confirming the transfer of the Hospital of Soltray, and the Chapel of Uthirregale in Fife, upon the Petition of the Queen and her eldest son James the Third. Dated 10th July 1462.

PIUS II.—Ad futuram rei memoriam. Inter multiplices curas que nobis ex Apostolatus officio censentur incumbere, illas libenter amplectimur per quas in ecclesiis quibuslibet devote solicitudinis studio bene-

PIUS II. For future memory of the fact. Among the manifold cares which are deemed to be incumbent on us, by reason of our apostolic office, we willingly embrace those by which, in all churches, with the zeal of devout solicitude, the

dicatur Altissimus ac in hospitalibus et aliis piis locis pauperum et aliarum miserabilium personarum necessitatibus succuratur nec non hiis que propterea processisse comperimus ut perpetuo illibata persistant Apostolici muniminis adjicimus firmitatem Sane pro parte dilecte in Christo filie nostre Marie Regine Scotorum illustris nobis nuper exhibita petitio continebat quod olim ipsa de propria salute recogitans et ad caritatis opera maxime circa egenos et pauperes manus juxta evangelica documenta extendens dum adhuc clare memorie Jacobus II. Rex Scotorum vir ejus ageret in humanis quoddam Hospitale pro susceptione pauperum et egenorum eorundem extra oppidum regium de Edinburgh Sancti Andree diocesis construi et edificari fecit illudque dotavit et successive boni operis fructum provida consideratione attendens et ad majora pietatis officia ferventius aspirans juxta Hospitale predictum quandam insignem ecclesiam sive capellam pro Collegio fundato unius videlicet prepositi et decem aut duodecim presbyterorum et clericorum inibi collegialiter et perpetuo Altissimo serviturorum erexit ac ecclesiam predictam magnifico et sumptuoso opere continuavit et quantotius illam

Most High is praised and succour rendered to the necessities of poor and other wretched persons in Hospitals and other pious places, and to those foundations which we find have made progress in this respect, that they may remain unimpaired for ever, we have added the strength of apostolic confirmation. Truly the petition, lately presented to us on the part of our beloved daughter in Christ, Mary the illustrious Queen of Scots, contained, that formerly she, having regard to her own weal, and for works of charity, especially to the poor and needy, stretching out her hands according to the lessons of the Gospel, whilst as yet James II. of distinguished memory, King of Scots her husband was alive, caused to be constructed and built a certain hospital for the reception of poor and needy persons outwith the royal City of Edinburgh, in the diocese of St Andrews, and endowed the same, and afterwards waiting with provident consideration for the fruit of good works, and more fervently aspiring to greater offices of piety, she erected near the Hospital aforesaid a noble church or chapel for the College that had been founded, viz., of one Provost and ten or twelve priests and clerks there in collegiate manner, and perpetually to serve the Most High, and has continued the church aforesaid with magnificent and sumptuous work, and intends as soon as possible, with the assistance of divine grace,

divina cooperante gratia perficere intendit nec non quandam bonam baroniam atque alias possessiones census annuos redditus et bona usque ad summam centum mercarum vel circiter in dotem eidem ecclesie assignavit et annuente Domino multo amplius in posterum dotem ipsam ampliare intendit Cum autem felicis recordationis Nicolaus Papa V. predecessor noster quoddam Hospitale pauperum de Soltre nuncupatum dicte diocesis quod de jure patronatus Regis Scotorum pro tempore existentis fore dignoscitur et deformi ruine subjacebat et in quo nulla hospitalitas servabatur in cancellariam ecclesie Sancti Andree per quasdam suas [literas] erigi primo et deinde nos ex certis rationabilibus causis tunc expressis Hospitale predictum quod de jure patronatus prefati Regis existit ad humiles supplicationes ipsius Regine rescissa unione et erectione cancellarie hujusmodi novo Hospitali prefato per alias nostras literas uniri mandavimus prout in singulis literis predictis ac super illis decretis processibus dicitur plenius contineri Pro parte carissimi in Christo filii nostri Jacobi moderni Regis Scotorum ipsius Regine primogeniti ac etiam prefate Regine nobis fuit humiliter supplicatum ut fundationi dotationi annexationi et unioni predictis ac etiam capelle de

to finish the same. She has besides assigned for the endowment of the said church a good barony and other possessions, property, annual rents, and goods to the sum of one hundred merks or thereby; and with the favour of God intends more amply to enlarge the said endowment in future. Since, moreover, our predecessor, Pope Nicholas V. of happy memory, by certain letters of his, ordered a certain hospital for the poor, called the Hospital of Soltray, of said diocese, which in right of patronage is known to belong to the King of Scots for the time being, and lay under a shapeless ruin, and in which no hospitality was kept, to be erected into a chancellorship of the church of St Andrews, and we afterwards, for certain reasonable causes then expressed, by our other letters commanded the Hospital aforesaid, which in right of patronage belongs to the foresaid King, in answer to the humble supplications of the foresaid Queen for the union and erection of such chancellorship, to be united to the new Hospital aforesaid, as in the several letters aforesaid, and the decrees and processes regarding them is said to be more fully contained. On the part of our most dearly beloved son in Christ, James the present King of Scots, the eldest son of the said Queen, and also of the foresaid Queen, it was humbly supplicated of us, that we should of our apostolic benignity be pleased to unite

Otheroga[ll]e dicte diocesis que similiter de jure patronatus prefati Regis existit et cujus ac Hospitalis de Soltre predicti fructus reddi-tus et proventus septuaginta librarum sterlingorum secundum com-munem estimationem valorem annuum ut asseritur non excedunt eidem Hospitali ordinaria auctoritate unire et pro eorum subsistentia firmiori robur Apostolice confirmationis adjicere nec non ad habund-antem cautelam ecclesiam predictam in Collegiatam cum insigniis Collegialibus de novo erigere et alias super hiis oportune providere de benignitate Apostolica dignaremur Nos igitur qui divini cultus aug-mentum ac pauperum et miserabilium personarum commoda tota mente appetimus hujusmodi supplicationibus inclinati fundationem dotationem uniones et annexationes predictas ratas habentes et gratas eas et quecunque inde secuta auctoritate Apostolica tenore presentium appro-bamus et confirmamus supplentes omnes defectus si qui forsan inter-venerint in eisdem et nichilominus pro potioris cauthele suffragio eandem ecclesiam in Collegiatam cum insignibus Collegialibus de novo erigentes necnon quascunque oblationes fidelium que eidem ecclesie pro

for the more secure subsistence of these foundations to add the strength of the apostolic confirmation to the foundation, endowment, annexation, and union afore-said, with the chapel of Utherogall of said diocese, which in like manner belongs in right of patronage to the said King, and has been united by authority of the ordinary to the said Hospital of Soltray, and of which, and of the Hospital of Soltray, the foresaid fruits, revenues, and proceeds do not, as is asserted, exceed the annual value of seventy pounds sterling, according to the common estimate, and also, for abundant security, of new to erect the foresaid church into a colle-giate church with collegiate insignia, and otherwise to make suitable provision regarding these matters. We, therefore, who, with our whole mind, desire the increase of divine worship, and the advantage of poor and miserable persons, listening favourably to these supplications, of apostolic authority, by the tenor of these presents, approve and confirm the foundation, endowment, union, and annexation aforesaid, holding them, and whatsoever has followed thereupon, fixed and approved, supplying all defects, if any perchance shall be found in the same, and nevertheless for the purpose of greater security, erecting of new the said church into a Collegiate Church, with collegiate insignia. Decreeing, more-over, that whatever offerings of the faithful shall for the time fall to the said

tempore obvenient in ejus fabricam et reparationem committendas fore decernentes ipsius novi Hospitalis magistro sive rectori moderno et qui pro tempore erit quod univeris et singulis utriusque sexus fidelibus in eo pro tempore commorantibus et decedentibus in eodem nec non aliis in illo servientibus omnia et singula ecclesiastica sacramenta ministrare libere et licite valeat plenam et liberam auctoritate presentium potestatem concedimus et facultatem Non obstantibus constitutionibus et ordinationibus Apostolicis ceterisque contrariis quibuscunque Nos enim exnunc irritum decernimus et inane si secus super hiis a quoquam quavis auctoritate scienter vel ignoranter contigerit attemptari Nulli ergo etc. nostre confirmationis approbationis suppletionis erectionis constitutionis et voluntatis infringere. Si quis autem etc. Datum in Abbatia Sancti Salvatoris Clusinensis diocesis Anno etc. MCCCCLXII. Sexto Idus Julii. Pontificatus nostri anno Quarto.

church, shall be applied upon its fabric and the repair thereof; and we, by the authority of these presents, grant full and free power and authority to the Master of the new Hospital, or to the Governor for the time, to administer all and each of the sacraments of the Church, to all the faithful of both sexes, dwelling therein for a time, and those dying there, as well as to others serving therein, notwithstanding any Apostolic constitution, ordinances and others contrary whatsoever. For we from this time forth declare whatever may be attempted to the contrary in these matters, by any one, on any authority, knowingly or ignorantly, null and void. Let no one, therefore, etc., dare to infringe the tenor of our confirmation, approbation, restoration, erection, constitution, and will. If any one, moreover, etc. Given in the Abbey of St Salvator, in the diocese of Clusium, the year, etc. MCCCCLXII. sixth of the Ides of July. Of our pontificate the fourth year.

XL.

BULL by Pope Pius the Second, granting a plenary indulgence to all who in a devout spirit of contrition visit the Church of Trinity College in the course of five years during the Feast of its Dedication, on the 10th of July or its Octaves, &c. Dated 27th August 1463.

PIUS II. etc.—Universis Christi fidelibus presentes literas inspecturis Salutem etc. Maximum certe munus Christiano populo conferri solet cum ei ad diluendas mentium maculas et celestem beatitudinem consequendam opportuna pietas misericorditer se offert presertim ubi simul et domus Dei amplietur et indigentie pauperum Christi succuratur quique vero Omnipotens ipse multo ampliora meritis munera indesinenter ipsis fidelibus retribuit tamen ad eorum confirmandos excitandosque animos benignum nostrum et Apostolice Sedis pie matris gremium clementer patefacere consuevimus Igitur intellecto quod per charissimam in Christo filiam Mariam clare memorie Jacobi Secundi Scotorum Regis relictam viduam insignis Collegiata ecclesia sive capella aut Hospitale pauperum Sancte Trinitatis extra oppidum regium de Edinburgh Sancti Andree diocesis fundata et pro vno

PIUS II. etc. To all the faithful in Christ, who shall see these present letters, greeting, etc. A very great gift certainly is wont to be conferred on a Christian people, when an opportune piety offers itself in pity to wash away the stains of minds, and to obtain celestial happiness, especially when at once both the house of God is enlarged and succour is afforded to the indigence of Christ's poor; but although the Almighty himself has incessantly repaid the faithful with gifts much greater than their merits, yet for strengthening and encouraging their minds, we have in our clemency been wont to open our benignant lap and that of our pious mother the Apostolic See. Having, therefore, learned that a famous Collegiate Church, or Chapel, or Hospital of poor of the Holy Trinity outwith the royal city of Edinburgh, in the diocese of St Andrews, has been founded by our dearest daughter in Christ Mary, the widow of James the Second of renowned memory, King of Scots, and has been erected for one pro-

preposito ac decem vel duodecim personis ecclesiasticis presbyteris et clericis inibi collegialiter et perpetuo Altissimo famulantibus erecta ac magnifico et sumptuoso opere continuata extitit et quam seu quod divina cooperante gratia carissimus in Christo filius noster Jacobus tertius etiam Scotorum modernus Rex illustris ejusdem Jacobi Secundi et Marie prefate natus perficere intendit Nos etiam tam Jacobi tertii quam Marie illustris genetricis sue predictorum consideratione ac ut ipsi fideles ad hujusmodi devotionem et subsidia prestanda promptius inducantur atque inflammentur quo ex hoc ibidem dono celestis gratie uberius conspexerunt se refectos de Omnipotentis Dei misericordia ac beatorum Petri et Pauli apostolorum ejus auctoritate confisi universis utriusque sexus undecumque existentibus vere penitentibus et confessis Christi fidelibus qui decima die mensis Julii qua dedicatio ipsius ecclesie existit et illius die octava a primis vesperis usque ad secundas vesperas inclusive hujusmodi ecclesiam capellam aut Hospitale corde contriti et ore confessi in prefixo quinquennio visitaverint atque manus adjutrices huic pio operi pro modo facultatum suarum et de consilio confessoris sui existentis ex deputatis ut infra dicitur porrexerint ac eis qui legitime

vost and ten or twelve ecclesiastics, priests, and clerks who there in a collegiate manner and perpetually serve the Most High, and has been continued by magnificent and expensive works, and which, with the assistance of divine grace, our most dearly beloved son in Christ, James the Third, the present illustrious King of Scots, son of the said James the Second and of the foresaid Mary, intends to complete. We also, in consideration both of James the Third and of his illustrious mother Mary aforesaid, and that the faithful may be the more readily induced and incited to evince such devotion and assistance, since, from the gift of divine grace there made, they have seen themselves more abundantly refreshed; confiding in the mercy of Almighty God, and of the authority of St Peter and St Paul his apostles; by the tenor of these presents, grant and bestow on all the faithful in Christ of both sexes wheresoever they may be, truly penitent and confessed, who, on the tenth day of the month of July, which is the day of dedication of the said church, and on the octave of the same, from the first vespers to the second vespers inclusive, shall, within the appointed five years, have visited the said church, chapel, or hospital, and with contrite hearts have made oral confession, and have stretched out helping hands to this pious

impediti visitationem hinc ut voluissent facere non potuerint necnon pauperibus Christi fidelibus in eadem ecclesia sive Hospitali pro tempore degentibus qui inibi decesserint in mortis articulo alias etiam corde contritis et quantum recordarentur ore confessis, omnium peccatorum criminum et excessuum suorum etiam in casibus Sedi Apostolice reservatis plenariam absolutionem ac indulgentiam tenore presentium concedimus et elargimur presentibus in die dicte dedicationis anni proximi futuri primum inchoaturis ac ut deinceps sequitur de quinquennio in quinquennium usque quinquaginta annos tantum duraturis Insuper quoque ut dicti fideles sicuti prediximus visitantes et porrigentes facilius animarum suarum salutem et divinam misericordiam consequi valeant confessoribus ydoneis per dilectum filium prepositum dicte ecclesie et collectorem Apostolice Camere pro tempore existentes juxta confluentium fidelium concursum prout expediens videbitur deputandis secularibus vel quorumcunque ordinum regularibus in dicta quinquennali die dedicationis hujusmodi quatuor diebus ante et quatuor post et in octavis eorum confessionibus diligenter auditis pro commissis debitam absolutionem impendendi et penitentiam salutarem injungendi plenam et

work according to their abilities, and by advice of their confessor, being one of those deputed as after-mentioned; and to those who shall have been lawfully prevented from visiting to this place as they had wished to do; likewise to the poor faithful in Christ dwelling in the said Church or Hospital for the time, who have died there, and who at the moment of death, or even at other times, were contrite in heart, and, as far as they remember, had made oral confession: full absolution and indulgence of all their sins, crimes, and excesses, even in cases reserved to the Holy See: these presents first coming into effect on the day of the said dedication in the year next to come, and, as afterwards follows, enduring from five years to five years for the space of fifty years only. Moreover, that the said faithful, as we have said above, visiting and assisting, may the more easily obtain the salvation of their souls and the divine compassion, we also, by the tenor of these presents, grant to suitable confessors, seculars or regulars of whatsoever order, to be deputed by our beloved son the Provost of the said church, and the Collector of the Apostolic Chamber for the time being, according to the concourse of the faithful flowing thither, as shall seem expedient, on the said quinquennial day of the said dedi-

liberam etiam tenore presentium concedimus facultatem Volumus autem quod pecunie quas pro indulgentia hujusmodi consequenti per fideles ipsis erogari contigerit in una capsa duabus clavibus claudenda fideliter et vigilanter conserventur ipsarumque clavium unam prepositus prefatus et duo seniores ejusdem Collegii alteram vero dicte Camere in regno Scocie collector pro tempore existentes tenere debeant omniumque pecuniarum et rerum ex hujusmodi oblationibus et elemosinis provenientium tertia pars integra et sine ulla fraude pro defensione et augmento fidei Catholice adversus impiissimos efferatissimosque Christi nominis inimicos eidem Apostolice Camere reservetur et continuo per eundem collectorem fidelissime efficacissimeque percipiatur reddatur et consignetur relique autem due tertie per prepositum et duos seniores antedictos in hujusmodi perficienda edificia supplenda ornamenta muniendumque et manutenendum Collegium pauperesque atque locum hujusmodi dumtaxat et non aliter quoquo modo convertantur alioquin collector prepositus et seniores ipsi duo qui quod absit secus facere aut oblationes elemosinas ac alia hujusmodi in alios usus aut aliter quoquomodo disturbari vel agere presumpserint indignationem ejusdem Omni-

cation, four days before and four days after, and on their octaves, after carefully hearing their confessions, full and free power of granting due absolution for sins, and of enjoining salutary penance. We will, moreover, that the moneys which for such subsequent indulgence shall happen to be paid to them by the faithful, shall be faithfully and vigilantly kept in a box, locked with two keys, and of the said keys the Provost aforesaid and two seniors of the said college ought to keep one, and the Collector of the said Chamber in the kingdom of Scotland for the time being, ought to keep the other, and of all moneys and effects arising from such offerings and alms, a third part, entire and without any fraud, shall be reserved to the said Apostolic Chamber, and shall immediately be most faithfully and effectually taken possession of, handed over, and consigned by the said Collector, for the defence and furtherance of the Catholic faith against the most impious and fierce enemies of the name of Christ, but the two remaining thirds shall be laid out by the Provost and two seniors aforesaid for the completion of the said buildings, for supplying ornaments, for strengthening and upholding the College, and the poor and the place only, and not in any other way; but the collector, provost, and said two seniors, if as God forbid,

potentis Dei et Apostolorum Petri et Pauli predictorum eo ipso incurrant Nulli ergo etc. nostre concessionis elargitionis et voluntatis infringere etc. Si quis autem hoc attemptare presumpserit indignationem ipsius Omnipotentis Dei et Apostolorum Petri et Pauli predictorum se noverit incursurum Datum Tibur anno etc. MCCCCLXIII. Sexto Kalendas Septembris Pontificatus nostri anno Quinto.

they shall presume to do otherwise, or to disturb or spend the offerings, alms, and other things of this sort for any other purposes, or in any other way whatsoever, shall by such deed incur the indignation of Almighty God, and of the apostles Peter and Paul aforesaid. Let no one, therefore dare to infringe the tenor of our concession, grant, and will, etc. But if any one shall presume to attempt this, let him know that he will incur the indignation of Almighty God himself, and of the apostles Peter and Paul aforesaid. Given at Tibur the year, etc. MCCCCLXIII. the sixth of the Kalends of September, of our pontificate the fifth year.

XLI.

ABSTRACT of Charter by King Henry the Sixth of England, in favour of the Community of Edinburgh, granting liberty to them and their successors to traffic in England, on payment of the same dues as those paid by the citizens of London. 2d January 1463–4.

CHARTER by King Henry the Sixth of England, whereby on the narrative that he and his Royal Consort Margaret, and his son Edward, Prince of Wales, with divers of his nobility, having been expelled from his kingdom of England by certain rebellious traitors, had on his arrival, and during his long residence in Edinburgh, been honourably received and with great humanity, and had been favourably entertained by the Provost and Community of Edinburgh; therefore he granted to the said Community and their successors full and free liberty to traffic in England as the natives thereof, and to pay no other duties for their

merchandise than his subjects the citizens of London did. Dated 2d January in the fifty-first year of his reign 1463–4.

XLII.

CHARTER by King James the Third, under his Great Seal, consenting to the erection of St Giles into a Collegiate Church, Stirling, 21st October 1466.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus tocius terre sue clericis et laicis, salutem. Quia dilecti nostri Prepositus Balliui Consules Burgenses et Communitas Burgi nostri de Edinburgh ecclesiam parochialem Beati Egidii dicti Burgi ad nostram presentacionem pertinentem in Collegium perpetuum, per ordinarium episcopum cum certo canonicorum et prebendarum numero futuris temporibus erigi desiderant, et quod prepositura perpetua in eadem ecclesia parochiali creetur et ordinetur, et vt sub ipso preposito vicarius perpetuus curam habens animarum limitetur et ordinetur, nostrum super hoc consensum instanter requirendo: Nos igitur in diuini cultus augmentum ad erecionem creacionem et ordinacionem premissas perpetuis futuris temporibus faciendas nostrum consensum dedimus ac damus et concedimus pro perpetuo tenore presencium literarum, dictis tamen prepositura

JAMES by the grace of God King of Scots: To all good men of his whole land cleric and laic, greeting: Whereas our lovites, the Provost, Bailies, Councillors, Burgesses and Community of our Burgh of Edinburgh, desire that the Parish Church of St Giles of the said Burgh, belonging to our presentation, shall be erected into a perpetual College with a certain number of canons and prebends, by the Bishop Ordinary for the time to come, and that a perpetual provostry be created and ordained in the said parish church, and that under the provost a perpetual vicar having cure of souls be appointed and ordained, earnestly requesting our consent to that effect: we therefore for the furthering of divine worship, by the tenor of the present letters have given and give and grant our consent to the erection, creation, and ordination aforesaid being made for all

et perpetua vicaria prefate ecclesie parrochialis de Edinburgh ad nostram et successorum nostrorum presentacionem tociens quociens vacare contigerint seu earum altera contigerit singulis futuris temporibus remanentibus et imperpetuum remansuris. In cuius rei testimonium presentibus magnum sigillum nostrum apponi precepimus: Testibus [etc.] apud Striuelin, vicesimo primo die mensis Octobris anno Domini m° iiii^c sexagesimo sexto et regni nostri septimo.

time to come, the said provostry however and the perpetual vicarage of the foresaid parish church of Edinburgh, as often as they or either of them shall happen to be vacant, remaining and to remain in all time coming at the presentation of us and our successors for ever. In testimony whereof we have ordered our great seal to be appended to these presents: Witnesses, &c., at Stirling, the twenty-first day of the month of October, the year of our Lord one thousand four hundred and sixty-six and of our reign the seventh.

XLIII.

BULL by Pope Paul the Second, granting, on the petition of the Provost, Bailies, Councillors, and Community of Edinburgh, commission to the Bishop of Galloway and the Abbot of Holyrood to erect the church of St Giles into a Collegiate Church. Rome, 22d February 1467.

PAULUS EPISCOPUS etc. Venerabili fratri Episcopo Candidecase, et dilecto filio Abbati Monasterii Sancte Crucis extra muros de Edynburgh

PAUL the Bishop etc., To our venerable brother the Bishop of Whithern and our beloved son the Abbot of the Monastery of Holyrood, outwith the walls of

Sancti Andree diocesis, salutem etc. In eminenti specula militantis ecclesie constitutus Romanus pontifex, beati Petri celestis Clavigeri successor, pervigilis more pastoris sue prudentie oculis universum orbem terrarum, ac nationum in eo degentium qualitates paterna consideratione discutiens, ac examinans diligenter, ex iniuncto sibi desuper pastoralis officii onere ecclesiarum omnium venustatem appetens et exquirens, quasdam exaltat et sublevat, ac ad maioris titulum dignitatis attollit, ut ex hoc locus alias populositate, reliquisque ad humane vite commodum necessariis celeber et insignis videatur merito illustrandus, ac per erectionis ministerium ecclesiis ipsis titulus sublimioris excellentie augeatur pariter et decoris: pia quoque et salubria fidelium vota, ex quibus divini cultus speratur augmentum, salusque proveniat animarum, pii patris affectione prosequitur, ac paternis favoribus confovet, et ut optatum sortiantur effectum, opem libentius et operam attentius impertitur. Cum itaque, sicut exhibita nobis nuper pro parte dilectorum filiorum Prepositi Balivorum et Consulum laicorum ac Universitatis opidi de Edynburgh Sancti Andree diocesis petitio continebat, ipsi pro-

Edinburgh, in the diocese of St Andrews, greeting &c. Stationed on the lofty watchtower of the church militant, the Roman Pontiff, successor of St Peter, key-bearer of Heaven, after the manner of a watchful shepherd, with the eye of his prudence and with paternal consideration contemplating and carefully examining the whole world and the qualities of the nations dwelling therein, on account of the burden of the pastoral office enjoined on him from above earnestly striving to promote the comeliness of all churches, some of them he exalts and elevates, and raises to titles of greater dignity, so that by this means a place otherwise distinguished and celebrated for population and other things necessary for the advantage of human life may appear deservedly illustrated, and by the ministry of erection the said churches may be raised to a higher style of excellence and dignity; with the affection also of a pious father he assists, and with paternal favours cherishes, the pious aud profitable prayers of the faithful, from which an increase of divine worship is hoped for and the salvation of souls is promoted, and that they may procure the desired effect imparts his assistance more freely and labours more assiduously. Seeing therefore that, as the petition lately exhibited to us on the part of our beloved sons the Provost, Bailies, lay Councillors, and Community of the town of Edinburgh, in the diocese of

vide considerantes opidum predictum, in quo modernus Rex Scotorum, et quamplures episcopi, abbates, et alii proceres Regni Scotie ut plurimum residere consueverunt, inter alia Regni predicti opida populositate celebre et insigne esse, ac ad illud multitudinem populi eiusdem Regni confluere, parrochialemque Ecclesiam Sancti Egidii dicti opidi, que de iure patronatus eiusdem Regis existit, in suis fructibus redditibus et proventibus satis habundare, et in illa ecclesiasticarum personarum inibi divinis laudibus insistentium numerum, benedicente domino, auctum fore, de consensu dicti Regis ad Omnipotentis Dei eiusque genitricis Marie ac aliorum Sanctorum, presertim dicti Sancti Egidii laudem, gloriam et honorem, necnon pro eiusdem opidi venustate et decore, Regisque predicti progenitorum et Episcoporum Sancti Andree, qui fuerunt pro tempore, precipue bone memorie Iacobi olim Sancti Andree Episcopi, et nonnullorum eiusdem Regni procerum, ceterorumque Christifidelium defunctorum animarum salute ecclesiam predictam in Collegiatam ecclesiam, cum iuribus et insigniis Collegialibus, ibique unam Preposituram pro uno Preposito, et duo officia, Sacristiam videlicet et Ministerium chori, ac quatuordecim prebendas distinctas pro totidem Canonicis

St Andrews contains, they providently considering the foresaid city in which the present King of Scots and very many bishops, abbots, and other nobles of the kingdom of Scotland were for the most part wont to reside, that among the other towns of the foresaid kingdom it is famous and distinguished for population, and that a large number of the people of the said kingdom crowd thither, and that the Parish Church of St Giles of the said town, which is of the patronage of the said King, is sufficiently rich in its fruits, revenues, and supplies, and that in it the number of ecclesiastics there celebrating the Divine praises by the blessing of our Lord may be increased, with consent of the said King, for the praise honour and glory of almighty God and of his mother Mary and the other Saints, especially of St Giles; also for the ornament and decoration of the said town and for the weal of the souls of the foresaid King and his ancestors, and of the successive bishops of St Andrews, especially of James of good memory sometime bishop of St Andrews, and of many deceased nobles of the said kingdom and of other believers in Christ, have founded and erected, though only in fact, the said church into a Collegiate Church, with collegiate rights and insignia, and a provostry for one provost, and two offices, namely those of sacristan and of leader of the choir, and fourteen separate pre-

fundarunt et erexerunt, licet de facto, necnon inter cetera, quod dicta Prepositura ibidem dignitas principalis esset; quodque Prepositus dicte ecclesie pro tempore existens perpetuum Vicarium, qui illius parrochianorum animarum curam exercere valeret, Sacrista vero predictus unum clericum secularem ecclesie et Vicario antedictis servientem, Minister autem chori huiusmodi unum Bidellum, singula eidem officio incumbentia, que ministro chori pro tempore existenti ex honestate sacerdotali non congruunt, exercentem, eorum sumptibus tenere, necnon ipse nonnulla et dictus Prepositus cetera alia onera eidem ecclesie dietim incumbentia subire, ac dictus Sacrista organa et campanas eiusdem ecclesie suis sumptibus pulsari facere, omniaque alia ad officium Sacristie de iure vel consuetudine spectantia gerere, ipseque et ceteri Canonici predicti in eadem ecclesia quotidie celebrare, necnon eorum ac Prepositi ac Ministri chori predictorum sumptibus quatuor pueros per aptiorem ex Canonicis predictis pro tempore existentem erudiendos sustentare tenerentur; quodque Vicarius, Sacrista et Minister chori predicti, suis culpis et demeritis exigentibus, ad nutum Prepositi et Capituli dicte ecclesie amovibiles essent, voluerunt et ordinarunt similiter de facto, ac pro Prepositi, Sacriste, Canonicorum et aliorum predictorum sustentatione

bends for so many canons, providing among other things that the said provostry should be the principal dignity there, and that the provost of the said church for the time being should be bound to maintain a perpetual vicar, who may exercise the cure of the souls of that parish, the foresaid sacristan to maintain one secular clergyman to serve the said church and vicar, the leader of the said choir to maintain one beadle to perform everything incumbent on the said office, which is inconsistent with the sacerdotal dignity of the leader of the choir for the time being, each at his own expense; and the said choir leader shall perform some, the said provost shall be bound to fulfil the other burdens daily incumbent on the said church, and the said sacrist shall be bound to cause the organs of the said church to be played and the bells to be rung at his own expense, and to perform all the other duties pertaining to the office of the sacristy by law or custom, and he and the other canons aforesaid shall be bound daily to celebrate mass in the said church, and at their expense and the expense of the provost and leader of the choir aforesaid they shall be bound to maintain four boys to be taught by the ablest of the canons for the time being; and they determined and decreed in like manner, in fact, that the vicar, sacrist, and leader of the choir aforesaid,

congruos et sufficientes redditus, ac eorum quotidianis distributionibus certas possessiones seu annuos redditus deputarunt et assignarunt, nec non erectionem, fundationem, voluntatem, ordinationem et deputationem predictas a Venerabili fratre nostro Patricio Episcopo Sancti Andree ordinaria auctoritate confirmari et approbari fecerunt etiam de facto, prout in instrumento et litteris predicti Episcopi desuper confectis dicitur plenius contineri. Cum autem premissa viribus non subsistant, pro parte Prepositi, Balivorum, Consulum et Universitatis predictorum nobis fuit humiliter supplicatum, ut ipsos in tam pio et salubri proposito confoventes, eis super hiis oportune providere de benignitate apostolica dignaremur. Nos igitur, qui cultus eiusdem intensis affectibus exquirimus ubilibet incrementum, pium prepositum huiusmodi plurimum in domino commendantes, ac sperantes maximum ex premissis eisdem fidelibus profectum emersurum fore, huiusmodi supplicationibus inclinati discretioni vestre per apostolica scripta mandamus, quatenus vos vel alter vestrum de predictis omnibus et singulis vos diligenter informetis, et si per informationem huiusmodi illa fore vera

when their faults and demerits demand, should be removeable at the will of the Provost and chapter of the said church; and, for the maintenance of the Provost, Sacrist, Canons and others aforesaid, they deputed and assigned suitable and sufficient revenues, and certain possessions or annual revenues for their daily distributions; they also caused the erection, foundation, will, ordination, and deputation aforesaid to be affirmed and approved in fact by our venerable brother Patrick, Bishop of St Andrews, by his ordinary authority, as in the instrument and letters of the foresaid Bishop executed thereanent is said to be more fully contained. Seeing moreover that the premises are not supported by sufficient powers, a humble supplication has been made to us on the part of the Provost, Bailies, Council, and Community aforesaid, that we favouring them in so pious and advantageous a proposal, should be pleased of our apostolic benignity to make a suitable provision for them in these matters. We therefore who with intense anxiety enquire after the increase of such worship everywhere, very highly commending in the Lord such a pious proposal, and hoping that very great profit to the faithful will arise from the premises, listening favourably to these supplications, by our Apostolic writings commit to your discretion, that you or either of you shall diligently inform yourselves of all and sundry the circumstances foresaid, and if by such information you find them to

reppereritis, ecclesiam predictam in Collegiatam ecclesiam cum iuribus, insigniis Collegialibus, ibique Prepositurum et officia ac prebendas huiusmodi, ut prefertur, et totidem inibi Canonicatus de novo erigere et fundare; quodque dicta Prepositura ibidem dignitas principalis sit, ac Prepositus eundem Vicarium, Sacrista Clericum, nec non Minister chori predicti Bidellum huiusmodi, ut premittitur, tenere, ac ipse et dictus Prepositus onera antedicta respective subire, dictusque Sacrista organa et campanas huiusmodi pulsari facere, et alia ad officium Sacristie huiusmodi spectantia, ut prefertur, exercere, ipsique et ceteri Canonici prefati in eadem ecclesia quotidie celebrare, eorumque ac Prepositi et Ministri chori predictorum sumptibus eosdem pueros erudiendos, ut premittitur, sustentare teneantur; quodque Vicarius, Sacrista et Minister chori predicti, eisdem culpis et demeritis exegentibus, ad nutum Prepositi et Capituli predictorum amovibiles existant, etiam de novo statuere et ordinare, nec non deputationem et assignationem reddituum et distributionum earundem, ut premittitur, factas et prout eas concernunt, omnia et singula in Instrumento et litteris predictis contenta, et quecunque quoad hoc inde secuta dumtaxat etiam

be true, to erect and found of new there the church aforesaid into a Collegiate Church, with collegiate rights and insignia and such provostry and offices and prebends as aforesaid, and a like number of canonries; and that the said provostry be the principal dignity there, and the provost shall be bound to keep the said vicar, the sacrist to keep the clerk, and the leader of the choir aforesaid the Beadle as aforesaid, and he and the said provost to undertake respectively the burdens before stated, and the said sacrist to cause the organs to be played and bells to be rung and to perform the other duties belonging to the office of such sacristy as aforesaid, and they and the other canons aforesaid to celebrate daily in the said church; and at their expense and that of the provost and leader of the choir aforesaid, to maintain the said boys to be educated as aforesaid; and that the vicar, sacrist, and leader of the choir aforesaid, when their said faults and demerits shall demand, be removeable at the will of the provost and chapter aforesaid; you shall take care of new to statute and ordain, also of new to confirm and approve the deputation and assignation of revenues and of the distributions of the same made as aforesaid, and, so far as they concern these, all and sundry the provisions contained in the instrument aforesaid, and whatever follows from the same as to this matter;

de novo confirmare et approbare, ac presentis scripti patrocinio communire, omnesque et singulos defectus, si qui forsan intervenerint in eisdem, supplere auctoritate nostra curetis, Non obstantibus constitutionibus et ordinationibus apostolicis, ceterisque contrariis quibuscunque. Datum Rome apud Sanctum Marcum Anno etc. Millesimo quadringentesimo sexagesimo septimo, VIII. Kal. Martii, Pontificatus nostri anno quarto.

and to fortify them with the protection of the present writings, and on your own authority to supply all and sundry defects, if any shall happen to be found in the same, the constitutions and ordinances apostolic and other things whatsoever to the contrary notwithstanding; Given at Rome at St Mark's, year etc. One thousand four hundred and sixty-seven, the eighth of the Kalends of March, of our Pontificate the fourth year.

XLIV.

Act of Parliament by King James the Third, enacting that there shall be but two Sessions, one at Edinburgh and another at Perth. This Act forms Chapter 4 of the acts passed at Edinburgh in 1468.

Item that ther salbe bot ij sessounis ane in Edinburgh and ane in Pert. And the cessione of Edinburgh to sit a moneth, and the cessione in Pert . v wulkis; the cessione of Perth to begyne the first Monunday October, the cessione of Edinburgh the xv day of Nouember.

XLV.

BULL by Pope Paul the Second, exempting the Collegiate Church of St Giles, with its Clergy, from the jurisdiction of the Bishop of St Andrews, and subjecting the same directly to the Holy See. Rome, 30th April 1470.

PAULUS EPISCOPUS etc. Ad perpetuam rei memoriam. Etsi universe orbis ecclesie, ac in illis divinis obsequiis mancipate persone apostolice sedi, que divina institutione super ipsas ordinarie potestatis obtinet principatum, subesse dinoscantur: aliquas tamen interdum de sue auctoritatis plenitudine sedes ipsa specialius sibi subdit, sic eas illarumque res et bona a cuiuslibet alterius iurisdictione prorsus eripiens, ut nullum nisi Romanum Pontificem, et quem sedes predicta ad id specialiter duxerit deputandum, Superiorem et dominum recognoscant, ipsas quodam singulari privilegio liberas penitus et exemptas de cetero fore censendo. Dudum siquidem pro parte carissimi in Christo filii nostri Iacobi Scotorum Regis Illustris, ac dilectorum filiorum Prepositi, Balivorum, Consulum et Universitatis opidi de

PAUL the Bishop, etc. For the perpetual memory of the fact. Although the churches of the whole world and the persons in them devoted to the divine worship are known to be subject to the Apostolic see, which by divine institution holds over them the chief place of ordinary power, yet sometimes in the plenitude of its authority the said see subjects some of them more especially to itself, taking them and their effects altogether from under the jurisdiction of any other whatsoever, in such manner that they recognise no superior or lord except the Roman Pontiff and him whom the see foresaid has thought fit to depute specially for that purpose, decreeing by a singular privilege that they be altogether free and exempt for the rest. Inasmuch as it has long ago been explained to us on the part of our most dearly beloved son in Christ, James the illustrious King of Scots, and of our beloved sons the Provost, Bailies,

Edynburg Sancti Andree diocesis nobis exposito, quod opidum ipsum iuxta alia opida Regni Scotie insigne et populosum erat, et in illo quampluries prelati et alii proceres et magnates illarum partium residebant, prout resident de presenti, nec non ad ipsum opidum nationum diversarum mundi partium multitudo confluit copiosa, quodque parrochialis ecclesia sancti Egidii opidi memorati inter ceteras parrochiales partium earundam famosa et honorabilis erat: Nos ecclesiam ipsam in Collegiatam ecclesiam, in eaque unam Preposituram, que inibi dignitas principalis existeret, et quam plures Canonicatus et prebendas, necnon officia et alia beneficia ecclesiastica ereximus et creavimus prout in nostris inde confectis litteris plenius continetur. Cum autem, sicut, pro parte Regis, Prepositi, Balivorum, Consulum et Universitatis eorundem nobis nuper oblata peticio continebat, idem Rex, qui in opido antedicto ut plurimum residet, ad ecclesiam ipsam, utpote sui intuitu insignitam, singularem gerat devotionis affectum, eamque ac personas inibi divinis laudibus insistentes pluribus immunitatibus et privilegiis decorare intendat: pro parte Regis, Balivorum, Prepositi, Consulum et Universitatis predictorum nobis fuit humiliter supplicatum, ut pro

Councillors, and Community of the town of Edinburgh, in the diocese of St Andrews, that the said town was no less famous and populous than other cities of the kingdom of Scotland, and that in it the prelates and other nobles and great men of these parts very often resided, as they do at present, besides that the people of different nations in the world resort to the said town in great numbers, and that the Parish Church of St Giles of the said town was famous and honourable among the other parochial churches of those parts; we have erected and created the said Church into a Collegiate Church, and in it one provostry, which was to be the principal dignity there, and very many canonries and prebends as well as other offices and ecclesiastical benefices, as is more fully contained in our letters made thereupon. Since, moreover, as a petition lately presented to us on the part of the said King, Provost, Bailies, Councillors, and Community contained, the said King, who for the most part resides in the said town, bears a peculiar devotion to the said church, as honoured by his own presence, and intends to endow it and the persons celebrating the divine praises therein with many immunities and privileges, it was humbly supplicated of us

ipsius ecclesie venustate et decore, ne immunitates et privilegia ipsa per Venerabilem fratrem nostrum Patricium, et successores suos pro tempore existentes Episcopos Sancti Andree passim infringi contingat, eam ab omni superioritate et dominio Episcoporum eorundem, ad instar nonnullarum aliarum Collegiatarum ecclesiarum Regni prefati, eximere et liberare, ac ipsorum desiderio annuere, et alias super hiis oportune providere de benignitate apostolica dignaremur. Nos igitur, qui ecclesiarum ac personarum earundem statum absque alicuius agitationis perturbatione cupimus in pacis ac quietis amenitate letari, ipsarumque profectus et commoda intensis desideriis affectamus, huiusmodi supplicationibus inclinati, tam ecclesiam prefatam, quam dilectos filios modernos et pro tempore existentes Prepositum singulosque Canonicos, Capellanos, Vicarios, chorarios, presbiteros et alios quoscumque clericos, etiam dignitates, personatus, administrationes vel officia, seu alia beneficia ecclesiastica in eadem ecclesia obtinentes, una cum eorum familiaribus continuis commensalibus, ipsisque ac eidem ecclesie servientibus, presentibus et futuris, nec non predictorum ac ecclesie antedicte bonis et rebus aliis quibuscumque, etiam extra eandem ecclesiam ubilibet

on the part of the King, Bailies, Provost, Councillors and Community aforesaid, that, for the grace and honour of the said church, lest it should happen that the said immunities and privileges might be gradually infringed by our venerable brother Patrick and his successors for the time being Bishops of St Andrews, we should of our apostolic benignity deign to exempt and relieve it from all superiority and dominion of the said Bishops, after the manner of several other collegiate churches of the foresaid kingdom, and to assent to their desire, and otherwise to make suitable provision for these things. We therefore, who desire that the state of the said churches and persons should, without being disturbed by any agitation, rejoice in the amenity of peace and quiet, and most earnestly seek their profit and advantage, listening favourably to such supplications, entirely exempt and altogether for ever relieve both the said church and our beloved sons, the present and for the time being provost, and the several canons, chaplains, vicars, choristers, presbyters, and other clergy whosoever, also those holding dignities, cures, administrations or offices or other ecclesiastical benefices in the said church, along with their constant associates, sitting at the same table, and serving them and the foresaid church, present and future, also the

existentibus, ab omni iurisdictione, dominio, potestate, superioritate et visitatione predicti, ac successorum pro tempore existentium Episcoporum S. Andree, eorumque Vicariorum, Officialium, Commissariorum et aliorum quorumlibet, iurisdictionem ordinariam in ecclesiam et alios predictos de iure, vel consuetudine exercere valentium, prorsus eximimus, et totaliter perpetuo liberamus, ac sub beati Petri atque nostra et dicte sedis protectione suscipimus, ita quod ratione contractus, sive delicti aut rei de qua ageretur, Episcopi, Vicarii, Officiales, Commissarii et alii predicti, aut quevis alia persona secularis, regularis, ecclesiastica vel mundana, quacumque prefulgeat dignitate, nullam in eos omnes et singulos, ac res et bona predicta iurisdictionem, potestatem, visitationem, exactionem aut superioritatem valeant quomodolibet exercere, seu predictos omnes et singulos quoquomodo molestare, sed coram eadem sede eiusque Legatis vel subdelegatis dumtaxat de iusticia respondere teneantur, decernentes ex nunc omnes et singulos processus, ac excommunicationis suspensionis et interdicti aliasque sententias, censuras et penas in eandem ecclesiam aut predictos, vel eorum quemlibet per Episcopos Vicarios, Officiales, Commissarios et alios prefatos, seu eorum

goods and other effects whatsoever of the persons and of the church aforesaid, even although existing anywhere outside the said church, from all jurisdiction, dominion, power, superiority and visitation of the bishop of St Andrews aforesaid, and of his successors for the time being, and of their Vicars, Officials, Commissaries, and all others empowered to exercise ordinary jurisdiction over the church and others before mentioned either by law or custom; and we take them under the protection of St Peter, of ourselves and of the said see, so that in the matter of contract, or delict, or of property which is the subject of action, the Bishops, Vicars, Officials, Commissaries and others aforesaid, or any other person, secular, regular, ecclesiastical or temporal, with what dignity soever he may be distinguished, shall have no power to exercise any jurisdiction, authority, visitation, exaction, or superiority over the persons all and sundry, and the effects and goods aforesaid, in any manner of way, or in any way to molest the persons all and sundry aforesaid, but they shall be bound to answer in judgment before the said see and its legates or delegates only, declaring that henceforth all and sundry processes, and sentences of excommunication, suspension, interdict, and the like, and all censures and penalties against the church or persons aforesaid or any of them, by the Bishops, Vicars, Officials, Commissaries,

aliquem forsan ferendas et promulgandas irritas et inanes ac nullius roboris vel momenti existere. Preterea dicto Preposito, ut Canonicos, Capellanos et alios predictos ad residendum in eadem ecclesia, ac illic in divinis obsequiis cum condecentibus et honestis habitibus tam in choro quam alibi, prout eis ordinatum fuerit, etiam per subtractionem seu retentionem fructuum, reddituum et proventuum Canonicatuum et prebendarum, ac dignitatum, personatuum, administrationum et officiorum, nec non aliorum beneficiorum ecclesiasticorum, que in illa obtinent, serviendum compellere, quodque vagantes, inhonestos, dissolutos, et ad id rebelles et inobedientes, sententiis censuris et penis ecclesiasticis oportunis corrigere, et mulctare libere et licite valeat, concedimus per presentes, non obstantibus constitutionibus et ordinationibus apostolicis, ceterisque contrariis quibuscumque. Volumus tamen, quod Prepositus, Canonici et Capitulum dicte ecclesie pro recognitione exemptionis huiusmodi Camere apostolice in vigilia beatorum Petri et Pauli Apostolorum unam unciam auri puri annuatim solvere teneantur. Nulli ergo etc. nostre exemptionis, liberationis, susceptionis, constitutionis, concessionis et voluntatis infringere etc. Si quis autem etc. Datum

and others aforesaid, or any of them, that may perchance be passed and promulgated, are invalid, void, and of no force or moment. Moreover we by these presents grant power to the said provost to compel the canons, chaplains, and others aforesaid to reside in the said church, and to serve there in divine observances with decent and becoming vestments as well in the choir as elsewhere, as shall have been appointed to them, even by the withdrawal or retention of the fruits, revenues and proceeds of the canonries and prebends, and of the dignities, cures, administrations and offices, as well as of other ecclesiastical benefices which they hold in it, and to correct and punish freely and lawfully the truant, dishonest and dissolute, as well as the rebellious and disobedient with suitable ecclesiastical sentences, censures and penalties; all apostolic and other constitutions and ordinances to the contrary notwithstanding. We will however that the Provost, Canons, and Chapter of said church, for the recognition of such exemption of the apostolic chamber be bound to pay annually on the vigil of St Peter and St Paul the apostles one ounce of pure gold. Let no one therefore, etc., to infringe of our exemption, liberation, protection, constitution, concession and will, etc. If any one moreover etc. Given at Rome

Rome apud S. Petrum Anno etc. M.CCCC.LXX. pridie Kalendas Maii, Pontificatus nostri anno sexto.

at St Peter's in the year etc. one thousand four hundred and seventy, on the day before the Kalends of May, of our pontificate the sixth year.

XLVI.

Gift by King James the Third of certain duties of custom for repairing the Port and Haven of Leith. Edinburgh, 16th November 1471.

JAMES, be the grace of God King of Scottis: To all and sindri oure liegis and subditis quhais knaulage thir oure lettres salcum, greting. Wit ye that we with the avis and deliuerance of oure Counsale, for the commoun gude and proffit of oure marchandis and of all personis oure liegis strangearis and vtheris cummand and reparand to oure port and havin of Leith, and for the vphald reparatioun and bigging of the sammyn, has grantit and gevin and be thir oure lettres grantis and gevis to the Provest Balyeis and Communite of oure Burgh of Edinburgh thir custumis and dewiteis vnderwritin to be raisit brukit and joisit be thame and thare successouris in tyme tocum, that is to say: of ilk fery bot cummand inwart in oure said havin twa pennyis, and outwarde twa pennyis; alswa of ilk bot chargit in the havin to pas to the rade twa pennyis; and in likewis of ilk bot chargit in the rade and cummand in the havin twa pennyis; alswa of ilk dreg bot and handlyne bot cummand in with fisch at thare incumming a penny, alswa of ilk gret lyne bot cummand in with fische at thare incummyn foure pennyis; alswa of ilk

stane bot lossand in the havin a penny. Quharefor we charge stratly and commandis al and sindri our liegis and subditis and in speciale the masteris and governouris of the saidis botis that ye and ilk ane of you reddily intend ansuere and obey to the saidis Provest, Balyeis and Communite of oure said Burgh of Edinburgh and to thare successouris and to thare officiaris in the rasing vptakin and paying of the said custumes and dewiteis in tyme tocum, and that na man tak vppon hand to mak thaim letting or impediment tharein vnder all the heast pane charge and offence ye and ilkane of you may committ and incur again our Maieste: Thir oure lettres with the saidis Provest Balyeis and Communite and thare successouris to remain and abide foreuer: Gevin vnder oure priue sele at Edinburgh the sextene day of Nouember the yere of God I^{m} iiij^{c} sevinty and ae yere, and of oure regnne the xii yere.

XLVII.

LETTER by King James the Third, under his Privy Seal, charging the inhabitants of Edinburgh to assist in fortifying the town. Stirling, 28th April 1472.

JAMES be the grace of God King of Scottis: Til al and sindry our liegis and subditis to quhais knawlagis thir our letteres salcum, greting: Foralsmekle as we haue for the commoune proffit, the zele and loue that we haue to our welebelouettis the Burges and Communite of Edinburgh, graunttit to thaim licence to fosse bulewerk wall toure and turrite the said our Burgh for the keping and defens thareof in case our ald ennemyis of England adress thaim to inuade the said our conburges: It is our wil and we charge al and sindry the burges nychtbouris and induellaris the said toune, and alsa thaim that has landis annuellis or possessionis wythin it, to help contribu and supple to the said fortressing and

strenthing of our said Burgh eftir the valew of thair rentis landis possessionis annuellis and faculte of thair gudis being wythin the said Burgh, and at the ordinance and avise of the Consale and Communite of the said toune, and that alswele the outeburges and occupiaris of the fredome of the said Burgh and personis having landis or annuellis wythin it contribu thareto as induellaris and inhabitantis thareof. Quharefore straitle we commande and chargis our Schireff and his deputis of Edinburgh, our Prouoste and Bailleis of the samyn Burgh, that gif ony outeburges or occupiaris of the fredome of the said Burgh dissobeis or refusis to help and contribu to the making of the forsaid thingis that thai compell and distrenyhe thaim thareto as afferis, and that thai cast doune and remove quhatsumeuer housis biggit apon our wal or vtouth, the quhilkis ar nedefull to be castin doune for the strengthing of the said toune and defens thareof. Hereattoure we charge al and sindry personis having tenementis or landis wythin the said Burgh that thai strenth and fortify thair hede rovmys in gude and sekir wise as salbe sene maist spedfull to the Prouoste and Consaile of the said toune. Alsa, gif ony wythdrawis or removis thaim fra the said toune for the saide cause, it is our wil that the Schireff Prouoste and Bailleis of the said Burgh mak thair gudis be arrestit quhaireuer thai may be ourtane, and that of tha gudis thair taxis be pait, and that fra thine furth thai and thare ayeris be deseryset for alwais of the fredome of the said Burgh. And the forsaid thingis we charge to be done fulfillit and executit as before written is, vndre al the hieste panis and charge that eftir may folou. Gevin vndre our prive seele at Striueline, the xxviii day of Aprile, and of our regne the xiij yher.

XLVIII.

CHARTER of Confirmation and Mortification by King James the Third, under his Great Seal, of several donations and mortifications to the Blackfriars in Edinburgh. Edinburgh, 14th May 1473.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus totius terre sue clericis et laicis, salutem. Sciatis nos in laudem Omnipotentis Dei et gloriosissime Virginis Marie et pro singulari fauore quem gerimus erga dilectum oratorem nostrum fratrem Johannem Mure vicarium generalem ordinis Fratrum Predicatorum infra regnum nostrum et erga fratres eiusdem ordinis in ecclesia eorundem fundata in Burgo nostro de Edinburgh approbasse ratificasse et pro nobis et successoribus nostris confirmasse et mortificasse donaciones et concessiones infrascriptas dictis fratribus et ecclesie sue predicte retroactis temporibus factas et concessas; videlicet illas donacionem et concessionem quas fecit quondam serenissimus predecessor noster Alexander Secundus Scotorum Rex Deo et beatissime Marie Virgini et ecclesie predicte ac Fratribus Predicatoribus et eorum successoribus in ipsa ecclesia diuina cele-

JAMES by the grace of God King of Scots: To all good men of his whole land, cleric and laic, greeting. Know ye that we, to the praise of Almighty God and the most glorious Virgin Mary, and for the singular favour which we bear to our beloved Chaplain, Friar John Muir, Vicar General of the order of Preaching Friars within our kingdom, and towards the Friars of the same Order in the church of the same founded in our Burgh of Edinburgh, have approved, ratified, and for us and our successors, have confirmed and mortified the donations and concessions underwritten, made and granted to the said Friars and their church aforesaid in times bygone, to wit: That donation and concession which our most serene predecessor, Alexander the Second, King of Scots, formerly made to God and the most blessed Virgin Mary, and to the foresaid church, and the preaching friars celebrating, and to their successors for ever who shall celebrate,

brantibus et imperpetuum celebraturis de vno annuo redditu decem marcarum vsualis monete regni nostri in dotem eiusdem ecclesie annuatim perpetuis futuris temporibus leuando de firmis burgalibus Burgi nostri de Edinburgh: Necnon illas donacionem et concessionem quas fecit dilectus consanguineus noster Georgeus dominus Setoune cum consensu et assensu consanguine nostre Cristiane de Murray sponse sue pro salute anime quondam serenissimi progenitoris nostri Jacobi secundi Scotorum Regis illustrissimi et pro salute anime nostre et successorum nostrorum ac animarum ipsorum Georgei et Cristiane et successorum suorum ecclesie et fratribus predictis de vno annuo redditu viginti marcarum dicte monete pro perpetuo leuando et percipiendo de terris de Hertishede et de Clyntis cum pertinentiis jacentibus infra vicecomitatum nostrum de Berwic: Necnon illas donacionem et concessionem quas fecit quondam Philippa de Mowbray domina de Bernbugale ecclesie et fratribus predictis de vno annuo redditu viginti solidorum sterlingorum, annuatim leuando et percipiendo de terris de Litilbernbugale cum pertinentiis; ac illam donacionem quam fecit quondam Johannes Berclay de Kippo eisdem ecclesie et fratribus de vno annuo redditu decem solidorem vsualis monete regni nostri annuatim leuando

divine service in the said church, of an annual rent of ten merks of the usual money of our kingdom for an endowment to the said church yearly, to be levied in all time coming from the burgh mails of our Burgh of Edinburgh; Likewise that gift and grant which our beloved cousin George Lord Seaton made with consent and assent of our cousin Christian de Murray his spouse, for the weal of the soul of our late most serene progenitor the most illustrious James Second King of Scots, and for the weal of our soul and those of our successors, and of the souls of the said George and Christian and their successors, to the foresaid church and friars of an annual rent of twenty merks of the said money for ever, to be levied and uplifted from the lands of Hertishede and of Clyntis, with the pertinents lying within our sheriffdom of Berwic; likewise that gift and grant which the late Philippa de Mowbray, Lady of Bernbugale, made to the church and friars aforesaid of an annual rent of twenty shillings sterling, to be levied and uplifted yearly out of the lands of Little Bernbugale, with the pertinents thereof; also that gift which the late John Berclay of Kippo made to the same church and friars of an annual rent of ten shillings of the usual money of

et percipiendo de terris de Dudingstoune et husbandreis earundem ; et illam donacionem quam fecit Jacobus Fyndgude burgensis de Edinburgh predictis ecclesie et fratribus de uno annuo redditu tresdecim solidorum et quatuor denariorum dicte monete regni nostri annuatim leuando et percipiendo de terra dicti Jacobi Findgude jacente in villa de Leithe ex parte australi aque eiusdem infra vicecomitatum nostrum de Edinburgh inter terram quondam Alani Napar ex parte orientali et communem venellam wulgariter nuncupatem le Ratouneraw ex parte occidentali et terram Johannis Pettit vicarii de Lestalrik ex parte australi et terram Alexandri Napare de Merchanstoune militis ex parte boreali ad duos anni terminos vsuales Penthecostes videlicet et Sancti Martini in hiemo per equales portiones: Insuper confirmauimus et mortificauimus et pro nobis et successoribus nostris tenore presentium confirmamus et mortificamus fundacionem dicte ecclesie et situacionem eiusdem cum edificiis domibus ortis pomeriis et croftis dicte ecclesie adjacentibus et pertinentibus ; et generaliter omnes alias et singulas donaciones et concessiones terrarumt enementorum annuorum reddituum et elimosinarum ipsis ecclesie et fratribus retroactis temporibus factas et concessas.

our kingdom, to be levied and uplifted annually from the lands of Dudingstone and husband lands thereof; and that gift which James Fyndgude, burgess of Edinburgh, made to the foresaid church and friars, of an annual rent of thirteen shillings and four pence of the said money of our kingdom, to be levied and uplifted annually from the land of the said James Fyndgude, lying in the village of Leith, on the south side of the water of the same, within our sheriffdom of Edinburgh, between the land of the late Allan Napar on the east side and the common vennel commonly called the *Ratouneraw* on the west side, and the land of John Pettit, vicar of Lestalrik, on the south side, and the land of Alexander Napar of Merchanstoune, knight, on the north side, at the two usual terms in the year, Whitsunday, and Martinmas in winter, by equal portions. Moreover, we have confirmed and mortified, and for us and our successors by the tenor of these presents, confirm and mortify the foundation of the said church and the situation of the same, with the buildings, houses, gardens, orchards and crofts adjacent and pertaining to the said church; and in general all other and singular donations and concessions of lands, tenements, annual rents, and alms made and granted to the same church and friars in times bygone, To HAVE and to HOLD all and

Tenendas et habendas omnes et singulos annuos redditus predictos cum dictis edificiis domibus ortis pomeriis croftis terris et tenementis cum pertinentiis prefatis fratribus et ecclesie sue supradicte et eorum successoribus in eadem Deo seruientibus et imperpetuam seruituris ad manum mortuam pro perpetuo: Et adeo libere quiete plenarie integre honorifice bene et in pace sicut aliqui annui redditus aut possessiones in dotem ecclesie vel in elemosinam pro diuino seruicio cuicunque vel quibuscunque ecclesie vel ecclesiis per quemcunque seu quoscunque infra regnum nostrum liberius dantur seu conceduntur. Saluis et reseruatis nobis et successoribus nostris dictorum fratrum et successorum suorum orationum suffragiis deuotarum tantum. In cuius rei testimonium presenti carte nostre confirmacionis et mortificacionis magnum sigillum nostrum apponi precepimus: Testibus reuerendis in Cristo patribus Thoma episcopo Aberdonensi; Henrico episcopo Rossensi; dilectis consanguineis nostris Andrea domino Avandale cancellario nostro; Colino comite de Ergile domino Lorne magistro hospitii nostri; Dauid comite de Craufurd domino Lindesay; Johanne domino Dernle; Johanne de Culquhone de eodem milite magistris Johanne Layng rectore de Newlandis nostro thesaurario, et Archibaldo de Quhitelaw archi-

each the foresaid annual rents, with the said buildings, houses, gardens, orchards, crofts, lands, and tenements, with the pertinents, by the foresaid friars and their church abovementioned, and by their successors, serving or who in all time coming shall serve God in the same, in mortmain for ever, and as freely, quietly, fully, wholly, honourably, well, and in peace as any annual rents or possessions are freely given or granted to any church or churches whatsoever, as an ecclesiastical endowment or as alms for divine service, by any person or persons within our realm, saving and reserving only to us and our successors the privilege of the devout prayers of the said friars and their successors. In witness whereof we have commanded our Great Seal to be affixed to our present charter of confirmation and mortification: Witnesses, the reverend fathers in Christ Thomas bishop of Aberdeen, Henry bishop of Ross; our beloved cousins Andrew lord Avondale our chancellor, Colin earl of Argyle lord Lorne our almoner, David earl of Crawford lord Lindesay, John lord Dernle, John of Colquhoun of that Ilk knight, Master John Layng rector of Newlands our treasurer, and Archibald Quhitelaw, arch-

diacono Laudonie secretario nostro. Apud Edinburgh decimo quarto die mensis Maii anno Domini millesimo quadringentesimo septuagesimo tertio et regni nostri decimo tertio.

deacon of Lothian our secretary. At Edinburgh, the fourteenth day of the month of May, in the year of our Lord One thousand four hundred and seventy-three, and of our reign the thirteenth.

XLIX.

LETTER by King James the Third, under his Privy Seal, ratifying certain Statutes made by the Provost, Bailies, and Council, in regard to the places at which the Markets should be held within the Burgh. Edinburgh, 3d October 1477.

JAMES be the grace of God King of Scottis: To all and sindri oure liegis and subditis quham it efferis quhais knaulage thir oure lettres salcum, greting, Forsamekle as it is be our speciale charge statute and ordanit be the Provest Bailyeis and Counsale of our Burgh of Edinburgh, for the honoure proffit and honestie of our saide Burgh and plennesing of voide placis within the saymn, that the merkettis to be haldin in tyme tocum in the samyn, apoun the merket dayis, fare dayis, and all vther dayis neidfull, salbe haldin and set on this wise as eftir follows, that is to say: In the first, the merket of haye, stra, gers and hors mete to be vsit and haldin in the Cowgaite, fra Forestaris Wynd doun to Peblis Wynd; alsa the fisch merket fra the Frere Wynd to the Netherbow on baith the sidis of oure commoun strete; alsa the salt merket to be haldin in Nudreis

Wynde; alsa the cramys of chepmen to be set fra the Belhous doun to the Trone on the north side of oure saide strete; alsa the hatmakaris and skynnaris fornent thame on the south side of the saymn; alsa the wod and tymmer merket fra Dalrimpill yarde to the Grey fréris and Westirmart; alsa the scho merket of cordenaris fra Forestaris Wynd end westwart to Dalrimpill west yarde dike; alsa the rede barkit ledder with thame; alsa the nolt merket of carcagis and mutone about the Trone, and sa doun throuch to the Frere Wynd, and nocht on the wolk day; alsa all patrikis, pluuaris, capons, conyngis, chekinnis, and all vther wyld foulis and tame to be vsit and sald about the merket croce, and in na vther place; alsa all qwyk bestis, ky, oxon, nocht to be brocht in the tovne bot vnder the wall fer west at oure stable; alsa the mele merket of all grane and cornes fra the Tolbuth vp to Libertons Wynd; alsa fra thine vpart to the treves the merket of all cottone claith, quhite, gray, and all vthir claith quhicis within vj quartaris, and al lynnyng claith to be sald thare and in na vther place; alsa all buttir, cheis, woll, and sic like gudis that suld be weyit to be vsit at the Ouer Bow, and a trone set thare and nocht to be opinnyt quhil the hour of nyne forrow none; alsa all irne werk belanging cutleris, smethys, lorymaris, lokmakaris, and all sick werkmen to be vsit beneath the Netherbow, before and abowt Sanct Mary Wynde: alsa all ald graith and geir to be vsit and sauld in the Friday merket before the Gray freris, lyke as is vsit in vthir countries. The quhilk statutis and ordinance and setting of merkettis as is aboue writtin, for the causis foresaide we ratify and appruvis be thir our lettres, chargeing herefore straitlie and commandis all and sindre our liegis and subditis foresaidis, and in speciale the communitie and inhabitantis of our saide burgh quham it efferis, that ye and ilk ane of yow observe and keep the said statutis, and redily intend answer and obey to oure saide Provest and Bailyies that now are and that sal happin to be for the tyme in the setting and halding of the saide merkettis and keping of thame in the plaicis before writin, efter the tennour of the said statutis, and nocht to cum in ony wise incontrair the saymn vnder all the hiest paine and charge that ye and ilk ane of yow may commit and incur agane ws in that parte, and vndir the panis set and ordanit be thame in thair common buke apon the ganestandaris and brekaris of the saide statutis and setting of the saide merkettis, and to be punyst thairefter as efferis. Gevin

vndir oure priuie sele at Edinburgh the thrid day of October the yere of oure Lord a thousand foure hundreth seventy and seven yeirs, and of oure regnne the auchtene yere.

JAMES R. SCHEVES

L.

CHARTER by Mr William Forbes, Provost of the Collegiate Church of St Giles, with consent of the Chapter, granting to the church a part of his yards lying contiguous to his manse, beside the church, for a Burying-place. Edinburgh, 14th January 1477–8.

OMNIBUS hanc cartam visuris vel audituris Willelmus Forbes prepositus ecclesie collegiate Sancti Egidii Burgi de Edinburgh Sanctiandree diocesis, salutem in Domino sempiternam. Noueritis me cum consensu et assensu capituli mei matura deliberacione prehabita et maxime considerate quod parochiani mei indies crescunt et augentur et dum decesserint locum sepulture infra ecclesiam nec extra habere nequeunt infra parochiam meam, dedisse concessise et hac presenti carta mea pro me et successoribus meis confirmasse Deo Omnipotenti Beate Marie

TO all who shall see or hear this charter, William Forbes provost of the Collegiate Church of St Giles of the Burgh of Edinburgh in the diocese of Saint Andrews eternal salvation in the Lord: KNOW ye that I, with the consent and assent of my chapter, after mature deliberation and with the most careful consideration because my parishioners daily multiply and increase, and when they die can obtain no place of burial either within or without the church within my parish, have given and granted and by this present charter for me and my successors confirmed to God Almighty, to the blessed Virgin Mary his most

virgini eius matri gloriosissime Beato Egidio patrono et ecclesie predicte, illam partem orti mei cum pertinenciis iacentem contigue manso meo iuxta ecclesiam collegiatam predictam ex parte australi eiusdem prout iacet in longitudine et latitudine subscriptis videlicet: Incipiendo a vinella que iacet ex parte orientali eiusdem a vico australi vulgariter dicta le Cowgate vsque dictam ecclesiam ac cimiterium eiusdem sibi contiguum, et extendendo a latere orientali dicti cimiterii versus occidens vsque mansum meum et domos officinas ex parte orientali eiusdem et tunc descendendo versus austrum linea recta vsque finem australem ortuli mei siue gardini iacentis contigue ad finem australem predicti mansi mei et deinde subtus dictum ortulum meum siue gardinum versus austrum extendendo ad occidens sicut pars occidentalis mansi mei extendit et tunc descendendo ad austrum vsque v[icum australem vulgariter le Cowgate] dictum et a fine occidentali usque [finem] orientalem eiusdem orti ad vnum cimiterium ibidem pro parochianis meis sepeliendis et successorum [*words destroyed*] in puram et perpetuam elimosinam. TENENDAM et habendam dicte ecclesie et parochianis eiusdem in puram et perpetuam elimosinam pr [*words destroyed*] in

glorious mother, to the patron St Giles, and to the foresaid Church, that part of my garden with the pertinents lying contiguous to my mânse near the foresaid Collegiate Church on the south side of the same, as it lies in length and breadth in manner underwritten; viz., beginning at the vennel which lies on the east side of the same from the south street commonly called the Cowgate as far as the said Church and cemetery of the same contiguous thereto, and extending from the east side of the said cemetery towards the west even to my manse and office houses on the east side of the same, and then going down towards the south in a straight line to the south end of my yard or garden lying contiguous to the south end of my said manse, and then below my said yard or garden southwards and extending westward as [far as] the west side of my garden extends, and then going down southwards as far as the said south street commonly called the Cowgate, and from the west to the east end of the said garden, for a burial place there for my parishioners and those of my successors . . . . . in pure and perpetual alms, TO HOLD and to HAVE by the said church and the parishioners of the same in pure and perpetual alms . . . . . as a burying ground, with all its right boundaries and

vnum cimiterium cum omnibus rectis metis suis et diuisis prout iacet in longitudine et latitudine ac cum omnibus aliis [singulis libertatibus immu] nitatibus et asiamentis ac iustis pertinenciis suis quibuscunque tam non nominatis quam nominatis tam sub terra quam supra terram tam procul quam prope ad predictam partem orti mei cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, et adeo libere quiete plenarie integre honorifice bene et in pace in omnibus et per omnia sicut aliqua terra infra regnum Scocie alicui per aliquem liberius datur vel conceditur aut dari uel concedi poterit qualitercunque in futurum in puram et perpetuam elimosinam ac sine retinemento reuocacione seu obstaculo aliquali. In cuius rei testimonium huic presenti carte mei sigillum meum proprium vnacum sigillo capituli antedicti et subscripcionibus manualibus canonicorum eiusdem, in signum suorum consensuum et assensuum et de non contradicendo in futurum est appensum, coram hiis testibus Jacobo Creichtoun de Rothuen preposito, Willelmo Rynde Alexandro Boncle Patricio Balbirny balliuis, Alexandro Richartsoun decano gilde, Georgeo Stewart Willelmo Levingstown magistro Richardo Robisown domino Georgeo Cotis et Willelmo

marches, as it lies in length and breadth, and with all and singular its other liberties immunities and easements and just pertinents whatsoever, as well not named as named both under the earth and above the earth, belonging either remotely or intimately, or which may justly belong in any manner of way in future to the foresaid part of my garden with its pertinents, and as freely, quietly, fully, wholly, honourably, well, and in peace, in all and by all, as any land within the kingdom of Scotland is most freely given or granted, or may be given or granted in any manner of way in time to come to any one by any one in pure and perpetual alms, and without retention, revocation, or any other hindrance. In testimony whereof there is affixed to this my present charter my own seal together with the seal of the foresaid chapter and the signatures manual of the Canons of the same, in token of their consent and assent and of their not challenging the same hereafter, before these witnesses, James Creichtoun of Rothven provost, William Rynde, Alexander Boncle, Patrick Balbirny, bailies, Alexander Richardsoun dean of guild, George Stewart, William Levingstoun, Master Richard Robisoun, Sir

Farnly notariis publicis cum multis aliis, apud Edinburgh decimo quarto die mensis Januarii anno Domini millesimo quadringentesimo septuagesimo septimo.

Willelmus Forbes prepositus manu propria
Richardus Roberti prebendarius de Cragcruk manu propria
Johannes Craufurd manu propria
Johannes Fyndgud curatus manu propria
Willelmus Thomsoune manu propria
Johannes Skathmur manu propria
Johannes Cliddisdale manu propria
Thomas Halyday manu propria
Thomas Richartson manu propria
Mathisoun manu propria
Dominus Jacobus Bawbyrny manu propria

George Cotis and William Farnly notaries public, with many others, at Edinburgh, the fourteenth day of the month of January in the year of our Lord One thousand four hundred and seventy-seven.

LI.

OBLIGATION by the community of Edinburgh to King Edward the Fourth of England, relative to the proposed marriage of Cicely, his daughter, to James, Prince of Scotland, afterwards King James the Fourth. 4th August 1482.

BE it kend to all men be thir present lettres, ws Walter Bartrahame, prouest of the Tone of Edinburgh in Scotland, and the hale fallowschip of Merchandis Burgesses and Communite of the same tone, tobe bundin and oblist be thir presentis, vnto the maist excellent and maist michti Prince Edwarde be the grace of God King of Ingland, that quhair as it wes commonid and aggreit betuix his Excellens on the tapart and the richt hie and michti Prince oure Souerane Lord James King of Scottis on the tothir part, that mariage and matrimone suld haue bene solemnizit and haid betuix a michti and excellent Prince James the first begottin son and are apperand to oure Souerane Lord forsaid, and a richt noble Princes Cicile, dochtir to the said Edwarde King of Ingland; and for the said mariage to haue bene performit certain and diuers gret sommes of money bene payit and contentit be the maist excellent Prince vnto oure Souerane Lord forsaid, as be certane writtings betuix the said princis theruppone maid more at large planly apperis: That gif it be the plesur of the said Edward King of Ingland to haf the said mariage tobe performit and completit according to the said communicacione and writting, that than it salbe wele and treuly, without fraud dissate or collusione, obseruet kepit and accomplesit on the partii of our Souerane Lord forsaid, and the noblis spirituale and temporale of the realme of Scotland; And gif it be nocht the plesur of the said excellent Prince Edward King of Ingland to haue the said mariage performit and completit, that than we Walter Prouest, Burgesses, Merchandis, and Commouns of the aboue nemmit toune of Edinburgh, or ony of ws, sall pay and content vnto the King of Ingland forsaid, all the said soumes of money that war payt for the said mariage, at siclike times and dais immediately enswevin efter the refusale of the said mariage, and in siclike maner and forme as the said

soumes war of for deliuerit contentit and payt; that than this obligacione and band be void and of na strenth and ellis to be gud and effectuale: Providit allwais that the said Edward King of Ingland sall gif knaulege of his plesur and electione in the premissis in takin or refusin of the said mariage, or of the repayment of the said soumes of money, to our said Souerane Lord or lordis of his counsale, or to ws the said Provest, Marchandis, or ony of ws, within the realme of Scotland being for the time, betuix this and the feste of Allhallowis nixt tocum: To the quhilk payment, wele and treuly to be maid, we bind and obliss ws, and euery of ws, oure airis, successione, executouris, and all our gudis, merchandicis, and thingis quhatsoeuer thai be, quharesoeuer, or in quhat place, be water or be land, on this side of the sey or beyond, we sall happin tobe fundin; ony lieg, treux, or saufgard, maid or tobe maid, nochtwithstanding: In witnes quhareof to this our present writting and letters of band we the said Prouest, Burgessis, Merchandis, and Communite has set oure commone sele of the said tone of Edinburgh the ferd day of August, the yere of God a thousand four hundreth auchti and twa yeris: Gevin in presens of the richt michti prince Richard duke of Glocister, Alexander duke of Albany, a reuerend faider in God James bischop of Dunkeld, and richt noble lordis Henry erle of Northumbreland, Coline erle of Ergile lord Campbell and Lorne, Thomas lord Stanelie, master Alexander Ingliss archiden of Sanctandrois and vther diuers.

[This obligation was transumed by the mayor and alderman of London, on 11th March 1482. In the transumpt, the obligation is described as "certain letters in pauper sealed in placquart wise with a grete rownde sele in rede wex havyng impressed in the middes the figure of a castell or towre, and in the circumference in lettres graven an open mention that it was the comon seale of Edinburgh."—Rymer's Fœdera, vol. xii., p. 164.]

LII.

INSTRUMENT upon the production of the above Bond to the Community of Edinburgh, by Garter King at Arms. 27th October 1482.

IN Dei nomine, Amen: Per hoc presens publicum instrumentum cunctis appareat euidenter quod anno Domini millesimo quadringentesimo octuagesimo secundo, indiccione prima, pontificatus sanctissimi in Christo patris et domini nostri, domini Sixti diuina prouidencia Pape quarti anno duodecimo, mensis vero Octobris die vicesimo septimo; In vestibulo ecclesie parochialis Sancti Egidii ville de Edinbourgh, diocesis Sancti Andree in Scocia situate, coram venerabilibus, discretis, et honestis viris, Patricio Baron, preposito, Dauid Crawfurd balliuo, ac Waltero Bartrem, Roberto de Bonkyll, Georgio Bartrem, Bartholomeo Carnis, Georgio Barker, Roberto Vassyr, et Willelmo Farley, mercatoribus et burgensibus dicte ville de Edinbourgh, ac nonnullis aliis eiusdem ville marcatoribus, burgensibus et communitatibus, In mei Johannis Richardson notarii publici subscripti et testium infra nominatorum presencia, constitutus personaliter discretus vir Gartier Rex Armorum, nuncius,

IN the name of God, Amen. By this present public instrument be it manifestly apparent to all, that in the year of our Lord one thousand four hundred and eighty-two, in the first indiction, in the twelfth year of the pontificate of the most holy father in Christ and our lord, the lord Sixtus the fourth, by divine providence Pope, on the twenty-seventh day of the month of October, in the porch of the parish church of St Giles, in the town of Edinburgh, situate in the diocese of St Andrews in Scotland, before venerable, discreet, and honourable men: Patrick Baron, provost, David Crawfurd, bailie, and Walter Bartram, Robert of Bonkyll, George Bartrem, Barthlomew Carnis, George Barker, Robert Vassyr, and William Farley, merchants and burgesses of the said town of Edinburgh, and several other merchants, burgesses, and the community of the said town; in presence of me, John Richardson, notary public underwritten, and of the witnesses afternamed, compeared personally a discreet man, Garter King of Arms, the

seruiens, procurator, orator, factor et ambassiator vt asseruit, christianissimi principis et domini, domini Edwardi, Dei gracia, Regis Anglie et Fancie, ac Domini Hibernie, tenens et habens in manibus suis, quandam pergameni scedulam, et inter cetera tunc ibidem communicata idem Gartier eandem scedulam et contenta in eadem publice alta et intelligibili voce legit, sub isto qui sequitur tenore verborum :

messenger, servant, procurator, spokesman, factor, and ambassador, as he asserted, of the most Christian Prince and Lord, Lord Edward, by the grace of God King of England and of France, and Lord of Ireland, holding and having in his hands a certain schedule of parchment, and among other things then and there made known the said Garter read the same schedule and the contents thereof publicly in a loud and intelligible voice according to the tenor of words which follows :—

I Gartier King of Armes, servannt, proctour, and messager vnto the most high and mighty Prince my moost drad Souerain Lord, lord Edward, by the grace of God, King of England and of Fraunce and Lord of Irland, by vertue of certane lettres of procuracye here redy to be shewed by me by my seid Souerain Lord made and yeuen, make notice and yeue knowlich vnto you Provost, Burgeyses, Merchants, and Communite of the towne of Edenbourgh in Scotland, that where as it was somtyme commowned and agreed betwix my said Souerain Lord on the oon partye, and the right high and mighty Prince Jamys King of Scotts on the other partie, that mariage and matrimonye shuld haue ben solempnized and had bitwix James the furst begoten son of the said King of Scotts and Cicile doughter to my said Souuerain Lord the King of England, and for the said mariage ben performed, certaine and diuers grete soumes of money ben paid and contented by my said Souuerain Lord, whiche soumes of money, in caas of refusal of the said mariage by my said Souuerain Lord to be made and declared, ye the said Provost, Burgeses, Marchants, and Communite, and euery of you, be bounde and obliged by youre lettres vndre the commown sele of the towne of Edinbourgh to repaye vnto his Highnesse vndre lyke forme and at suche termes as they were furst paied, so that the King my Souuerain Lord wold make notice and knowleche of his

pleasir and election in taking or refusing of the saide mariage or of the repayement of the said soumes of money before the fest of Alhalows next to come, lyke as in your said lettres, bering date at Edenburgh the iiiith day of August last passed, it was conteigned alle at large; the pleasir and election of my said Souuerain Lord, for diuers causes and consideracions him moving, is to reffuse the accomplisshing of the said mariage, and to haue the repaiement of all suche soumes of money, as by occasion of the same betrusted mariage his Highnesse hath paied; the said repayement to be had of you Provest, Burgeises, Marchants, and Communite, and euery of you your heires and successoures, according to your bond and obligation afore rehersed; and therof I yeue you notice and knowliche by this writing, which I delyuer vnto you within the term in your said lettres lymitted and expressed, to alle ententes and effects whiche therof may ensue.[1]

Post cuius quidem scedule lectionem supradictus Gartier, quoddam procuratorium mandatum siue litteras procuratorii, magno sigillo ipsius christianissimi principis Edwardi Regis memorati, vt apparuit, in cera glauci coloris sigillatas; in cuius sigilli medio ex parte vna insculpta erat ymago regis coronati in throno sedentis, in manuque sua dextra sceptrum habentis, et in manu sua sinistra quoddam pomum siue pilam rotundam tenentis, et in ipsius sigilli circumferencia scripta erant ista verba, videlicet: Edwardus Dei gracia Rex Anglie et Francie, et Dominus Hibernie;

After the reading of which schedule, the foresaid Garter then and there exhibited and shewed before the same venerable men a certain procutorial mandate or letters of procuracy, sealed in wax of a bluish-gray colour, with the great seal of the said most Christian Prince Edward himself, as appeared; in the midst of which seal was engraved on one side the image of a King crowned, sitting on a throne, and having a sceptre in his right hand, and in his left hand holding a certain fruit or round ball, and on the circumference of the seal itself were written these words, viz., Edward, by the grace of God King of England and

[1] This demand by Garter has been collated with the original writing on paper, also preserved in the Record Office.

in altera vero parte illius sigilli sculpta erat figura regis siue hominis armati, sedentis super equum, tenentis in manu sua dextra gladium, et ante pectus quendam clipeum gerentis, et in eiusdem sigilli rotunditate ex illa parte scripta fuerunt verba sequencia, scilicet, Edwardus Dei gracia Rex Anglie et Francie et Dominus Hibernie.

Cuius quidem procuratorii tenor talis est:

Edward, by the grace of God King of England, &c.[1]

of France, and Lord of Ireland; on the other side of the seal was engraved the figure of a King, or armed man, sitting on a horse, holding in his right hand a sword, and bearing before his breast a shield, and on the circumference of the same seal on that side were written the following words, viz., Edward, by the grace of God King of England and of France, and Lord of Ireland. Of which procuracy the tenor is as follows: Edward, *etc.*

Tunc ibidem coram ipsis venerabilibus viris exhibuit et monstrauit, ac idem procuratorium siue easdem literas procuratorii, vna cum scedula predicta, eis tradidit et liberauit; qui quidem Patricius Prepositus memoratus ipsam procuratorium et scedulam a manibus dicti Gartier gratanter, vt apparuit, recepit, et penes se custodiuit; et consequenter vicesimo nono die dicti mensis Octobris, anno Domini, indiccione, pontificatu et loco in principio presentis instrumenti designatis, coram eisdem venerabilibus viris Patricio preposito, et Dauid balliuo predictis, ac

And handed over and delivered to them the same procuratory or same letters of procuracy, together with the foresaid schedule, and indeed the foresaid Provost Patrick, thankfully, as it appeared, received the said procuracy and schedule from the hands of the said Garter, and kept them in his custody; and afterwards, on the twenty-ninth day of the said month of October, in the year of our Lord, indiction, pontificate, and place stated in the beginning of the present instrument, before the same venerable men, Patrick, provost, and David, bailie foresaid, and

[1] It is not thought necessary to reprint here the Procuratory by King Edward in favour of Garter. It is dated at the Palace of Westminster, 12th October 1482, and will be found in Rymer's Fœdera, vol. xii., p. 165.

Archibaldo de Totrick et Patricio Bawbrynny balliuis, Thoma Yare et Willelmo de Rynde, burgensibus et mercatoribus vt asserebantur, dicte ville de Edinbourgh, et nonnullis aliis dicte ville mercatoribus et burgensibus, in mei Johannis notarii supradicti et testium infranominatorum presencia, constitutus personaliter quidam Ricardus Lawson, dicte ville Communis Clericus siue Recordator supradicto Gartier tunc ibidem presenti, ista verba subsequencia, siue alia eis in effectu consimilia, publice, alta et intelligibili voce dixit, protulit, et emisit, videlicet.

Archibald of Totrick, and Patrick Bawbrynny, bailies, Thomas Yare and William Rynd, burgesses and merchants, as they were represented to be, of the said town of Edinburgh, and several other merchants and burgesses of the said town, in presence of me, John, notary aforesaid, and of the witnesses within named, compearing personally a certain Richard Lawson, Common Clerk or Recorder of the said town, said, pronounced, and uttered publicly, in a loud and intelligible voice, to the foresaid Garter then and there present the words following, or others similar in effect to them, viz.

We vnderstand by your Kyng's writting, and by you, the pleasure and election of your King according to his writting; and we trust to God that at the day of payment of the money, your King's Grace shall be so contentid, that he shall hold him pleased, and your King's writting is right welcome vnto vs; and we pray you of your good report to your King, and that ye will recommend vs to hym.

Super quibus premissis ipse Gartier me notarium publicum subscriptum sibi vnum vel plura publicum seu publica instrumentum siue instrumenta conficere requisiuit.

Acta sunt hec, prout suprascribuntur et recitantur, sub anno Domini, indictione, pontificatu, mense, diebus et loco predictis. Presentibus tunc

Upon which premises the said Garter required me notary public underwritten to draw up for him one or more public (instrument or) instruments.

These things were done, as before written and rehearsed, in the year of our Lord in the indiction, pontificate, month, days, and place aforesaid; there being

ibidem in supradicte scedule lectione, ipsiusque procuratorii exhibicione, ostensione, liberacione, et recepcione eorundem, Willelmo Wra alias Cok of Wra et Petro Geander, Dunelmensis et Lancastrensis diocesium; presentibus eciam in dictorum verborum, sic vt prefertur per ipsum Ricardum Lawson prolatorum, emissione et prolacione, dictis Willelmo Wra, alias Cok of Wra, et Petro Geander, ac Northumberland heraldo armorum, Nicholao Hawley et Roberto Lawnder, Cicestrensis, Couentrensis et Lichfeldensis, ac Eboracensis diocesium, testibus ad premissa vocatis specialiter et rogatis.

Et ego Johannes Richardson, clericus Karliolensis diocesis, publicus auctoritate apostolica notarius, premisse scedule leccioni, ac dicti procuratorii exhibitioni, ostensioni, liberacioni, et recepcioni, ceterisque premissis omnibus et singulis, dum sic, vt premittitur, sub anno Domini, indictione, pontificatu, mense, diebus, et loco predictis agebantur et fiebant, vna cum prenominatis testibus presens personaliter interfui, eaque omnia et singula sic fieri vidi et audiui, presens quoque publicum instrumentum, manu mea

present then and there at the reading of the aforesaid schedule, and at the exhibition, shewing, and delivery of the same procuratory, and the reception of the same, William Wra, otherwise Cok of Wra, and Peter Geander, of the dioceses of Durham and Lancaster, being present also at the uttering and pronouncing of the said words pronounced as aforesaid by the said Richard Lawson, the said William Wra, otherwise Cok of Wra, and Peter Geander, and Northumberland herald at arms, Nicholas Hawley and Robert Lawnder, of the dioceses of Chichester, Coventry and Lichfield, and York; witnesses to the premises specially called and summoned.

And I, John Richardson, clerk of the diocese of Carlisle, notary public by apostolic authority, was personally present, together with the forenamed witnesses, at the reading of the foregoing schedule, and at the exhibition, shewing, delivery and reception of the so called procuratory, and at the other premises, all and each, while they were done and performed as premised, in the year of our Lord, indiction, pontificate, month, days, and place foresaid, and I saw and heard, that all these things were so

propria scriptum, exinde confeci, publicaui et in hanc publicam formam redegi; signoque et nomine meis solitis et consuetis signaui rogatus et requisitus in fidem et testimonium omnium et singulorum præmissorum. Et constat michi notario antedicto de interlineatione harum dictionum, lord, right, witt, takin, quas approbo ego notarius memoratus.

Johannes Richardson.

Testimonium fidele perhibeo.

done, whereupon also I have executed, published, and reduced to this public form this present public instrument, written with my own hand, and I, being called and required, have signed with my sign and name, used and wont, in faith and testimony of all and sundry the premises. And I, notary aforesaid, am aware of the interlineation of these words, "lord," "right," "witt," "taken," which I, the aforesaid notary, approve.

John Richardson.

I bear faithful testimony.

LIII.

Bond of Relief for 6000 ducats by Andrew elect confirmed Bishop of Murray and others to the Burgh of Edinburgh. Edinburgh, 8th November 1482.

BE it kend till all men be thir present letteris, ws, Andro be the marcy of God, elect confermit of Murray, Johne erle of Athole, James erle of Buchane; Maister James Lyndesay, dene of Glasqu; Johne the Ross of Halket, knycht; and Johne Stewart of Cragihall, to be bundin and oblist and be thir our letteris and the faithe and treuth in our bodiis lelily and treuly bindis and oblissis ws all as ane and ane as all, coniunctlie and seueralie, renunciand the benifite of diuision, til richt worschipfull and honorabil men the Provest, Ballies, Counsail, Merchandis, and communite

of the Burgh of Edinburgh, thar successouris, executouris and assignas: Forsamekil as thai haue constitut and ordanit in the best forme vnder thare commoun seil richt worschipful and venerabil clerkis Masteris Johne Fresail person of Douglas, George Broun person of Tynynghame, James Lyndesay and Williame Mowat chanon of Murray, thare verray lachful and vndoutit procuratouris coniunctlie and seueralie, ande has promittit and gevin to thaime thare ful and plane pouer with generale and speciale mandment for thame, in thare names and vppon thare behalfe, to compere in quhatsumeuer banckis of Rome, Venys, Florence, Brugis, or ony vtheris quhatsumeuer, folowand the courte of Rome, and thar or ony vther place quhatsumeuer neidful, or amangis quhatsumeuir merchandis, Scottis, Franche, or Flamingis, the said Provest, Ballies, and Communite of the said toune and Burgh of Edynburgh in the some of sex thousand ducatis of gold de camera gude and just wecht, in or the cais of promocion of the said reuerend fadir to the archbischoprik of Sanctandrois, or to quhatsumeuer vther benefice dignite, or priuilegis, to bind in the sikkerest and best forme and stile of the sege of Rome, and vnder the panis contenit in the samyn to oblis, and eftir the tenour of the pouir maid be the saidis Provest, Ballies, and Communite of the said Burgh to the saidis procuratouris, and as at mar lenth is contenit in the samyn pouir of procuratory, of the quhilk we the said reuerend fadir has subscriuit the copy with our awin hand to remain with the saidis Provest, Ballies, and Communite: That we tharfore and ilkane of ws, coniunctlie and seueralie, sal keip, obserue, hald, defend, warand, and freith the saidis Provest, Ballies, and Communite, thare airis successouris executouris and assignais, thair landis, rentis, possessionis, merchandice, and gudis mofabill and vnmofabill, als weil nocht common as common, in quhatsumeuer place, or steid thai be intil beyond the sey or on this side, harmles and scaithles for euirmare anent the pament of the said some of sex thousand ducatis de camera, or ony parte thairof, at the samyn termes as the said procuratouris, or ony ane of thame, coniunctly or seueraly, in quhatsumeuer bank or place, to quhatsumeuer personis, bindis or oblissis the saidis Provest, Bailies, and Communite, or promittis in thar name: And oblissis ws inlikwis to pay the said soumes at the said termis promittit be the saidis procuratouris in the said Prouest,

Ballies, and Communites name: And to the observing, keping, and fulfilling of all and sindri thir promittis bandis and oblisingis aboue writin, in form and effect as said is, we binde and obliss ws and ilkane of ws, coniunctlie and seueralie, renunciand the benefice of diuision as is aboue expremit, our airis executouris and assignais, oure and thare landis, rentis, possessionis, gudis mofabil and vnmofabill, annais and fructis of quhatsumeuer benefice or kirkis pertening or may pertene til ws, ony maner of way to the saidis Provest, Ballies, and Communite of the said burgh of Edynburgh, thare airis successouris executouris and assignais, and to refound content and pay to thame al costis, scathis, dampnagis and expens that thai or ony ane of thame, owthir in thair personis or gudis, in defalt of the none frething of thame as said is hapinis to sustene anent the pament of the said some to be maid be ws as is aboue writtin, in the sikkerest forme and stile of obligacioun that can be diuisit, al fraude and gile away put. In witnes of the quhilk thing, we, the said elect of Murray has procurit, in absence of our awin seil, the seil of the said master James Lyndesay, dene of Glasqw, for ws and him to thir presentis to be hungin, togidder with the subscripcioun of our awin hand, and we the laif of the saidis personis principaly oblist aboue writtin inlikwis to thir presentis has gart hing our propir selis: At Edinburgh, the viii day of the moneth of Nouember the yere of God i^{m} iiii^{c}. lxxxii. yeris befor thir witnessis:[1]

[1] To this Bond six seals have been appended, but of these only one now remains.

LIV.

CHARTER by King James the Third, under his Great Seal, granting the office of Sheriffship to the Provost, Bailies, Clerk, Councillors, and Community of the Burgh and their successors; and authorising them to hold a Peremptory Court of twenty-one days, when necessary; and to make ordinances for the good government of the Burgh. Edinburgh, 16th November 1482.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus tocius terre sue clericis et laicis, salutem. Cum ad beneuolencie officium spectare dinoscitur vt hijs plurimum tribuamus a quibus plurimum diligimur nullus humanitatis actus magis necessarius: hinc est quod nos alta mente considerantes fidem legalitatem amorem et beneuolenciam cordialeque seruicium que dilecti et fideles nostri officiarii moderni Burgi nostri de Edinburghe subscripti, scilicet: Patricius Baroune prepositus, Dauid Craufurde Patricius de Balbirny de eodem Archibaldus Todrig balliui, Johannes Fowlare decanus gilde, Thomas Yare thesaurarius, Willelmus Farnely communis clericus, Johannes Napare Henricus Cant Willelmus Rynde Andreas Cramby Robertus Bonkil Willelmus Synclare Jacobus

JAMES, by the grace of God King of Scots; To all good men of his whole land clerics and laics, greeting: Since no act of duty between man and man is recognized as more necessarily belonging to the obligation of benevolence than that we should bestow most on those by whom we are most beloved: Hence it is that we, considering with thoughtful mind, the faith, loyalty, love, benevolence, and cordial service which our beloved and faithful the present office-bearers of our Burgh of Edinburgh, under written, namely, Patrick Baroun, provost, David Craufurde, Patrick of Balbirny of that ilk, Archibald Todrik, baillies, John Fowlare, dean of guild, Thomas Yare, treasurer, William Farnely, common clerk, John Napare, Henry Cant, William Rynde, Andrew Cramby, Robert Bon-

Akeman Willelmus Turnoure Jacobus Richardsone Alexander Craufurde Thomas Carketill et Robertus Fokcart consules Burgi predicti, ac tota Communitas eiusdem Burgi, jam nobis prouide prestiterunt cum carissimo fratre nostro Alexandro duce Albanie comite Marchie ac de Mar et Garviauche domino Vallis Anandie et Mannie, et nostram de carceribus ex Castro nostro de Edinburghe liberando personam in quo contra nostre voluntatis libitum fuimus detenti, suas personas grauibus vite opponendo periculis dictum castrum cum dicto fratre nostro obsidendo, ex quo insultu nostra jam persona Regia libertate gaudet. Ob id et pro singulari dilectione quam habemus erga predictos Prepositum Balliuos Clericum Consules et Communitatem, et pro suis gratuitis laboribus et seruiciis nobis impensis et exhibitis, dedimus et concessimus ac pro perpetuo confirmauimus, necnon tenore presentis carte nostre damus et concedimus ac pro nobis et successoribus nostris imperpetuum confirmamus dictis Preposito Balliuis Clerico Consulibus et Communitati eorumque successoribus eiusdem Burgi Prepositis Balliuis Clerico Consulibus et Communitatibus imperpetuum libertates et priuilegia subscripta videlicet: Quod dicti Prepositus Balliuj Consules et Communitas ac eorum successores habeant officium Vicecomitis infra se in dicto

kil, William Synclare, James Akeman, William Turnoure, James Richardsone, Alexander Craufurde, Thomas Carkettill, and Robert Fokcart, councillors of the foresaid Burgh, and the whole community of the aforesaid Burgh, with our dearest brother Alexander duke of Albany earl of March and of Mar and Garviauch, lord of Annandale and Man, have already providently rendered to us in liberating our person from imprisonment in our Castle of Edinburgh, in which against the pleasure of our will we were held captive, exposing their persons to great peril of life, while besieging the said Castle with our said brother, in consequence of which attack our royal person now rejoices in liberty: Wherefore, and for the singular favor which we have towards the foresaid Provost, Bailies, Clerk, Councillors, and Community, and for their free labours and services expended upon and shewn to us, we have given and granted and for ever confirmed, and by the tenor of our present charter we give and grant, and for us and our successors for ever, confirm to the said Provost, Bailies, Clerk, Councillors, and Community, and their successors the Provosts, Bailies, Clerk, Councillors, and Community of the same Burgh the liberties and privileges under-written, namely: That the said

Burgo pro perpetuo; quocirca ne pro priore dignitate officiorum forsitan in posterum contrauersia aut contentio in dicto Burgo inter comburgenses convicinos et officiarios burgales moueatur, ad illam contrauersiam expellendam sic quod justicie ministracio in eorum officiis prout ad quodlibet ipsorum officiorum spectat concorditer procedat et exequatur, statuimus volumus et ordinamus pro nobis et successoribus nostris per presentes pro perpetuo quod Prepositus dicti Burgi quicunque fuerit electus et eligendus semper sit Vicecomes infra dictum Burgum, et quod Balliui eiusdem Burgi electi et eligendi sint et erint ipsius Vicecomites coniunctim et diuisim Deputati imperpetuum; Cum plenaria potestate eisdem Vicecomiti et Deputatis coniunctim et diuisim curiam et curias Vicecomitis infra dictum Burgum inter convicinos proprios et inhabitantes eundem Burgum ac super alios quoscunque qui attachiati et criminales inventi fuerint infra dictum Burgum quociens eis videbitur expediens statuendi inchoandi affirmandi tenendi continuandi, et eodem officio Vicecomitis vtendi pro quacunque causa vel crimine quocunque seu criminibus contingentibus vel que occurrerint; ac super omnibus

Provost, Bailies, Councillors, and Community and their successors have the office of Sheriff within themselves in the said Burgh for ever; Wherefore, lest peradventure in time to come controversy or contention may be stirred in the said Burgh among the fellow-burgesses, neighbours, and Burgh officers in regard to the priority of dignity of offices, for the removing of such controversy, so that the administration of justice in these offices may go on and proceed amicably so far as belongs to each of these offices, we statute, will, and ordain for us and our successors by these presents for ever, that the Provost of the said Burgh whoever he shall be, elected and to be elected, be always Sheriff within the said Burgh, and that the Bailies of the same Burgh, elected and to be elected, be and shall be his Sheriffs-Depute conjunctly and severally for ever: With full power to the same Sheriffs and Deputes conjunctly and severally to appoint, begin, fence, hold, and continue a sheriff court or courts within the said Burgh between their own neighbours and those inhabiting the same Burgh, and upon all others whomsoever who shall have been attached and found criminals within the said Burgh, as often as to them shall seem expedient, and to use the same office of Sheriffship for any cause, crime or crimes happening or which may take place; and to call suits of the said sheriff-courts within the Burgh upon all

personis que pro suis delictis et transgressionibus in ipso Burgo capte fuerint in futurum sectas dictarum curiarum Vicecomitis infra Burgum convocandi, absentes amerciandi; ac dictos transgressores et delinquentes eorumque convicinos transgredientes vel ut premittitur infra ipsos captiuos accusandi, ac ad mortem forisbannicionem seu per alias puniciones juxta quantitatem delictorum legibus accordando justificandi et puniendi, ministros curie Vicecomitis necessarios constituendi de inhabitantibus comburgensibus et convicinis dicti Burgi et de nullis alijs extra dictum Burgum ad hoc imponendis; ac omnia alia et singula facienda gerendi et exercendi infra se et dictum Burgum que ad officium Vicecomitis de jure seu consuetudine regni nostri dinoscuntur pertinere. INSUPER concessimus ac tenore presentis carte nostre concedimus pro nobis et successoribus nostris dictis Preposito Balliuis Clerico et Communitati suisque successoribus predictis ad eorum proprium vsum pro perpetuo omnes et singulas eschaetas ac amerciamenta vniuersa et exactiones commoditates et prouentus de dicto officio Vicecomitis infra se et dictum Burgum ac super dictis captiuis delinquentibus contingentes et prouenientes et in futurum prouenire valentes, et super

persons who shall have been apprehended in the same Burgh for their delicts and transgressions, and to fine absentees; and to accuse the said transgressors and delinquents and their neighbours transgressing, or as is premised prisoners within their bounds, and to justify and punish according to law with death, banishment, or any other punishments according to the nature of their crimes; to appoint necessary servants of the sheriff-court out of the inhabitants, fellow-burgesses, and neighbours of the said Burgh, to be appointed for this purpose, and of none others beyond the said Burgh; and to do, use, and execute all and sundry other things within themselves and the said Burgh which are known to belong by law or the custom of our kingdom to the office of Sheriff. Moreover, we have granted and by the tenor of our present charter grant for us and our successors to the said Provost, Bailies, Clerk, and Community and their foresaid successors, to their proper use for ever, all and sundry the escheats and whole fines and exactions, commodities, and profits happening and arising, and that may in time to come arise from the said office of Sheriff within themselves and the said Burgh, and in respect of the said prisoners

eisdem eschaetis amerciamentis commoditatibus et prouen bus ad eorum libitum voluntatis libere pro perpetuo ad eorum commodum et vtilitatem disponendi; Tenebuntur tamen dicti Prepositus Balliui Consules et Communitas dicti Burgi de Edinburgh et eorum successores predicti pro dictis eschaetis amerciamentis et proventibus dicti officii Vicecomitis per nos eis concessis celebrari facere annuatim pro perpetuo vnum obitum Misse de Requiem Placebo Dirige cum nota in Ecclesia Collegiata Beati Egidii dicti Burgi tercio et quarto diebus mensis Augusti pro salute anime quondam progenitoris nostri ac anime nostre animarum antecessorum et successorum nostrorum cum oracionum suffragiis pro nostro prospero statu. PRETEREA quia per veram informationem nobis factam intelleximus tediosum tardum et longum processum de quatuor curiis dicti Burgi in ministracione justicie temporibus exactis habitum ductum et vsitatum, concessimus et pro nobis et successoribus nostris per presentes concedimus dictis Preposito Balliuis Clerico Consulibus et Communitati ac dicto Vicecomiti infra eundem Burgum et eorum successoribus predictis ministrisque suis et deputatis propter confluenciam aduentum aggressum et ingressum extraneorum et aliarum

delinquents, and to dispone upon the same escheats, fines, commodities, and profits at their pleasure, freely for ever for their use and benefit. Nevertheless, the said Provost, Bailies, Councillors, and Community of the said Burgh of Edinburgh and their successors foresaid shall be bound for the said escheats, fines, and profits of the said office of Sheriff granted by us to them, to cause to be celebrated yearly for ever a funeral Mass of Requiem Placebo Dirige with chanting, in the Collegiate Church of St Giles of the said Burgh on the third and fourth days of the month of August, for the weal of the soul of our late progenitor, and of our soul, and of the souls of our ancestors and successors, with suffrages of prayers for our prosperity. Moreover, because we have understood by true information given to us that the process of the Four Courts of the said Burgh holden, conducted, and used at stated times for the administration of justice is tedious, slow, and long, we have granted and for us and our successors by these presents grant to the said Provost, Bailies, Clerk, Councillors, and Community, and to the said Sheriff within the said Burgh, and their successors foresaid and their servants and deputes, on account of the resort, arrival, approach, and entry of strangers and of other nations to the said Burgh

nacionum ad dictum Burgum vt principaliori Burgo Regni nostri marcancias agenti et occupanti vt propter hoc dicti Prepositus Balliui Clericus Vicecomes et eorum ministri predicti suique successores inperpetuum plenariam potestatem habeant, pro expedienda et promptiori justicia suis convicinis et extraneis aliarum nacionum super quibuscunque pecuniarum summis et marcanciis ministranda facienda et decernenda statuendi et tenendi Curiam Peremptoriam viginti vnius dierum legitima premunicione eorundem dierum precedente et prius facta in ipso Burgo inter dictos convicinos suos ipsius Burgi ac inter eosdem convicinos et extraneos prefatos tantum; Et quod dicta Curia Peremptoria viginti vnius dierum absque friuolis exceptionibus dilatoriis plegiis vel contraplegiis diebus ferialibus omnibus annorum temporibus sicut interest teneatur quociens opus fuerit procedendo summarie de plano dicta premunicione viginti vnius dierum partibus ut premittitur prius legittime *facta*. INSUPER concessimus et tenore presencium concedimus pro nobis et successoribus nostris prefatis Balliuis Clerico Consulibus Vicecomiti et Communitati eorumque successoribus predictis quod habeant liberam facultatem et plenariam potestatem imperpetuum condendi faciendi et

as to the principal Burgh of our kingdom, using and dealing in merchandise, that on that account the said Provost, Bailies, Clerk, Sheriff, and their servants foresaid and their successors for ever have full power, for the purpose of administering, executing and decerning prompt and more speedy justice to their neighbours and strangers of other nations concerning any sums of money and merchandise, to appoint and hold a Peremptory Court of twenty-one days, lawful premonition of the same days preceding and being first made in the same Burgh among their said neighbours of the same Burgh and among the same neighbours and foresaid strangers only. And that the said Peremptory Court of twenty-one days be held at all times of the year as is required, without frivolous exceptions, dilatory pleas, or counter pleas, or holidays, as often as there shall be need of proceeding summarily *de plano*, the said premonition of twenty-one days being first lawfully made to the parties as is premised. Moreover we have granted, and by the tenor of these presents grant, for us and our successors, to the said Bailies, Clerk, Councillors, Sheriff, and Community, and their successors foresaid, that they have free faculty and full power for ever to frame, make, and ordain statutes and acts within the said

ordinandi statuta et acta infra dictum Burgum pro bono regimine et republica eiusdem, ac illa quociens opus fuerit et eis videbitur expediens proclamari et obseruari faciendi, ac infractores eorundem infra dictum Burgum inhabitantes et inhabitaturos cum rigore vel fauore ad eorum discretiones puniendi. TENENDUM et habendum dictum officium Vicecomitis infra predictum Burgum de Edinburgh, dictam Curiam Peremptoriam viginti vnius dierum et facultatem acta et statuta condendi faciendi et proclamandi, ac omnes et singulas libertates et priuilegia predicta in omnibus et per omnia ut prenotatum est prefatis Preposito Balliuis Clerico Consulibus et Communitati dicti Burgi de Edinburgh et eorum successoribus eiusdem Burgi Prepositis Balliuis Clericis Consulibus et Communitatibus de nobis et successoribus nostris in feodo et hereditate imperpetuum libere quiete plenarie integre honorifice bene et in pace sine aliquo retinimento vel revocatione quacunque aut contradictione aliquali. nostri vel successorum nostrorum quorumcunque quovismodo inde faciendis infuturum. FACIENDO annuatim dicti Prepositus Balliui Consules et Communitas et eorum successores predictum obitum modo et forma diebus et loco suprascriptis tantum. QUARE stricte precipimus et

Burgh for the good government and common weal of the same, and to cause them to be proclaimed and observed as often as there shall be need and it shall seem expedient to them, and to punish the breakers thereof dwelling and that shall dwell within the said Burgh, with rigour or favour at their discretion, TO HOLD and to HAVE the said office of Sheriff within the said Burgh of Edinburgh, the said Peremptory Court of twenty-one days, and the power of framing, making, and proclaiming acts and statutes, and all and singular the liberties and privileges aforesaid, in all and by all as is before mentioned, by the foresaid Provost, Bailies, Clerk, Councillors, and Community of the said Burgh of Edinburgh and their successors Provosts, Bailies, Clerks, Councillors, and Communities of the same Burgh, of us and our successors in fee and heritage for ever, freely, quietly, fully, wholly, honourably, well and in peace, without any reservation or revocation whatsoever, or contradiction of any sort to be made thereon in any manner of way in future by us or our successors whosoever, Performing annually the said Provost, Bailies, Councillors, and Community, and their successors the foresaid obit in the manner and form, on the days and place above written only. Wherefore we strictly charge and command all and

mandamus omnibus et singulis justiciariis vicecomitibus ad extra ceterisque officiariis ligiis et subditis nostris et aliis quorum interest vel interesse poterit presentibus et futuris, quatenus in contrarium dictarum nostrarum donacionum et libertatum concessionum nullatenus deuenire presumant seu eorum aliquis deuenire presumat quibuscunque temporibus futuris, sub omni pena quam erga nostram et successorum nostrorum Regiam incurrere poterint seu poterit maiestatem. In cuius rei testimonium presenti carte nostre pro perpetuo durature magnum sigillum nostrum apponi precepimus. Testibus reuerendis in Cristo patribus Johanne episcopo Glasguensi cancellario nostro, Jacobo episcopo Dunkeldensi; dilectis avunculis nostris Andrea electo Morauiensi nostri secreti sigilli custode, Johanne comite Atholie domino Baluany; dilectis consanguineis nostris, Willelmo comite de Eroll domino le Haye constabulario regni nostri, Dauid comite de Craufurde domino Lindesay magistro hospicii nostri, Jacobo comite de Mortoune domino Dalkeithe; venerabili in Cristo patre Archibaldo abbate monasterii nostri Sancte Crucis de Edinburgh thesaurario nostro; Thoma domino Erskin Willelmo domino Abernethy in Rothemay, Willelmo domino Borthuic; Magistris Archibaldo Quhitelaw archidiacono Laudonie secretario nostro, et Patricio Leiche canonico Glasguensi clerico nostrorum rotulorum et

sundry justiciars, sheriffs outwith, and other officers our lieges and subjects, and others whom it concerns or may concern, present and to come, that none of them presume in any degree to contravene our said gifts and grants of liberties, under all the pain which they or he can incur against the royal majesty of us and of our successors. In witness whereof we have commanded our great seal to be affixed to our present charter, to endure for ever. Witnesses, the reverend fathers in Christ, John bishop of Glasgow, our chancellor, James bishop of Dunkeld; our beloved uncles, Andrew elect of Moray, keeper of our privy seal, John earl of Athol lord Baluany; our beloved cousins, William earl of Eroll lord of Hay, constable of our kingdom, David earl of Craufurde lord Lindesay, master of our household, James earl of Morton lord Dalkeith; the venerable father in Christ, Archibald abbot of our monastery of Holy Rood of Edinburgh, our treasurer; Thomas lord Erskin, William lord Abernethy in Rothemay, William lord Borthuic; Masters, Archibald Whitelaw archdeacon of Lothian, our secretary, and Patrick Leiche canon of Glasgow,

registri; apud Edinburghe decimo sexto die mensis Nouembris anno Domini millesimo quadringentesimo octuagesimo secundo, et regni nostri vicesimo tercio.

clerk of our rolls and register: At Edinburgh, the sixteenth day of the month of November, in the year of our Lord one thousand four hundred and eighty-two, and of our reign the twenty-third.

LV.

CHARTER by King James the Third, under his Great Seal, to the Burgh of Edinburgh, of customs from the harbour and road of Leith. Edinburgh, 16th November 1482.

JACOBUS Dei gracia rex Scotorum: Omnibus probis hominibus tocius terre sue clericis et laicis, salutem: Cum ad beneuolencie officium spectare dinoscitur vt hiis plurimum tribuamus a quibus plurimum diligimur nullus humanitatis actus magis necessarius: Hinc est quod nos alta mente considerantes fidem, legalitatem, amorem, beneuolenciam, cordialeque seruicium que dilecti et fideles nostri officiarii moderni Burgi nostri de Edinburgh subscripti, videlicet, Patricius Baroun, prepositus, Dauid Craufurde, Patricius Balbirny de eodem, Archibaldus Todrik,

JAMES, by the grace of God king of Scots; To all good men of his whole land, clerics and laics, greeting: Since no act of duty between man and man is recognised as more necessarily belonging to the obligation of benevolence than that we should bestow most on those by whom we are most beloved: Hence it is that we, considering with thoughtful mind, the fidelity, loyalty, love, goodwill, and cordial service which our beloved and faithful the present officebearers of our Burgh of Edinburgh under written, namely, Patrick Baroun, provost, David Craufurde, Patrick Balbirny of that ilk, Archibald Todrik, bailies, John Foulare, dean of

balliui, Johannes Foulare, decanus gilde, Thomas Yare, thesaurarius, Willelmus Farnely, communis clericus, Johannes Napeire, Henricus Cant, Willelmus Rynde, Andreas Cramby, Robertus Bonkill, Willelmus Synclare, Jacobus Aikman, Willelmus Turnoure, Jacobus Richardsone, Alexander Craufurde, Thomas Carkettill, et Robertus Folkart, consules Burgi predicti, ac tota Communitas eiusdem Burgi, jam nobis prouide prestiterunt cum carissimo fratre nostro Alexandro duce Albanie comite Marchie ac de Mar et Garviauch domino Vallis Anandie et Mannie etc. nostram de carceribus ex Castro nostro de Edinburgh liberando personam in quo contra nostre voluntatis libitum fuimus detenti, suas personas grauibus vite opponendo periculis, dictum Castrum cum dicto carissimo fratre nostro obsedendo; ex quo insultu nostra iam persona Regia libertate gaudet. Ob id et pro singulari dilectione quam habemus erga dictos Prepositum, Balliuos, Clericum, Consules et Communitatem, et pro suis gratuitis laboribus et seruiciis nobis impensis et exhibitis, dedimus, concessimus, renouauimus et confirmauimus, necnon tenore presentis carte nostre, damus, concedimus, renouamus, ac pro nobis heredibus et successoribus nostris imperpetuum approbamus, ratificamus, et confirmamus dictis Preposito, Balliuis, Consulibus et Communitati, eorumque

guild, Thomas Yare, treasurer, William Farnely, common clerk, John Napeire, Henry Cant, William Rynde, Andrew Cramby, Robert Bonkill, William Synclare, James Aikman, William Turnoure, James Richardsone, Alexander Craufurde, Thomas Carkettill, and Robert Folkart, councillors of the foresaid Burgh, and the whole community of the same Burgh, with our dearest brother Alexander duke of Albany earl of March and of Mar and Garviauch, lord of Annandale and Man, &c., have already providently rendered to us in liberating our person from imprisonment in our Castle of Edinburgh, in which against the pleasure of our will we were held captive, exposing their persons to the great risk of life, in besieging the said Castle with our said dearest brother, in consequence of which attack our royal person now rejoices in liberty: Wherefore and for the singular love which we have to the said Provost, Bailies, Clerk, Councillors, and Community, and for their gratuitous labours and services done and shewn to us, we have given, granted, renewed, and confirmed and by the tenor of our present charter give, grant, renew, and for us our heirs and successors for ever approve, ratify, and confirm to the said Provost, Bailies, Councillors, and Community,

successoribus eiusdem Burgi Prepositis, Balliuis, Consulibus et Communitatibus imperpetuum, custumas ac pecunias prouenientes de portu de Leith exactiones commoditates et redditus eis vtiles, tam de dicto portu quam rada de Leith, et de predicto burgo, quibus nunc pacifice gaudent et in possessione existunt ac eisdem vtebantur et gauisi fuerunt, in vulgari articulariter sequentes videlicet:

and their successors, Provosts, Bailies, Councillors, and Communities of the said Burgh for ever, the customs and monies arising from the port of Leith, exactions, commodities, and rents useful to them, as well from the said port as from the roads of Leith, and from the foresaid Burgh, which they now peacefully enjoy and are in possession of, and were wont to use and have enjoyed the same, as articulately set forth below in the common tongue, viz.:

In primis: that thai be fre for euirmare of all payment of custumys of salt and of schorlingis, skaldingis, futefellis, lentrinware, lambskynnis, tod skynnis, calf skynnis, cunyng skynnis, otteris et foulmertis skynnis, and that it salbe lefull to thame to sel and permute the salt and skynnis abouewritten to alienaris or strangearis, or ony vtheris that thai mak merchandice with custume fre, owthir to be payit be thame or be the strangearis; exceppand the petit custume of the tovne of Leith to the ressauouris thareof vsett of before tyme: Item, the havin siluir of Leith of all maner of personis, fremen, vnfremen, and strangearis bringand or havand ony gudis in or out at the port of Leith: In primis, of ilk freman of all the Kingis burowis of ilk serplaith wol or skynnis iiii d., and of strangearis and vnfremen viii d., and of ilk ton of gudis of fremen iiii d., and of strangearis and vnfremen viii d., and of all vther sic like thingis, baith polk, pak, and barell, proporcionably ansuerand to the serplaith and to the ton: Item, of ilk last hidis of fremen xvi d. and of strangearis and vnfremen xxxii d. of ilk chaldir of corne meil malt or salt of fremen iiii d. and of vnfremen viii d.. Item of ilk chaldir of colis or lyme cummand in or gangand furth of the havin ii d., and of ilk ton of girnale gude of fremen iiii d., and of strangearis and vnfremen viii d. Item of fremen of vthir burowis byand ony gudis in Leith to haue away, to pay at the outpassing iiii d., and barell according thareto. Of ilk last

of meil or hering viii d. Of ilk last pik ter ass or sic like gudis iiii d. Of ilk hundreth burdis gestis tres bowstryngis plankis and siclike gudis viii d. Of ilk fercost that cummis in the havin xii d. Of ilk grete boit with victalis or vthir gudis vi d. Of ilk smal bate ii d. Of ilk ton of gudis sald in Leith be fremen to fre or vnfremen passand outwart iiii d., of the byare the barel or barellis accordand thereto. And of ilk fery bait cummand inwart in the havin ii d., and outwarde ii d. Of ilk bait chargit in the havin to pas to the rade ii d. And sic like wise chargit in the rade agane to the havin ii d. Item of ilk drag boit and handlyne boit cummand in the havin with fisch at thare incummyng iiii d. And of ilk stane bait cummand and losand in the havin i d. And in like wise the men of Orknay and Cathnes and thare gudis payand sic like havin siluir: And attoure apon land in to Leith or within the watir, thir custumys to be payit vndirwrittin to the tovn of Edinburgh by the havin siluir; In primis ilk barell of ter, pik, ass, or ony vthir barell gudis sald thare to vnfremen ii d. Of ilk layd of vnyeons, apillis, corne, buttir, cheis, or vthir gudis met, and sald in Leith to vnfremen to be had away i d., and of ilk laid vnmet i obl. Item of ilk laid of quhitefisch or hering cumand out of Leith i d., and of the i^{c} grete fisch as keling stokfisch, leyngis, salmound and sic lyke fisch vnbaralit iiii d. Item of ilk pak of claith that cummis to the schore of vnfremen iiii d., and of ilk laid of salt met thare dovn i d. Of ilk grete geist or dormound sald thare dovn i obl. Of smallare geistis iiii d of the dosane. Item of i^{c} sperris viii d. Item of the hundreth widde of Oismond irne of vnfremennis cumand to Leith viii d. Item of ilk dakir of hydis cumand on land in Leith or to Leith of vnfremennis quhatsumeuir ii d. Item of the hundreth skynnis wollin calfis, gaittis, kyddis, cunyngis or ony vtheris nocht payand custume in Edinburgh iiii d. Item all the tvm vydouris of gudis ventit or temyt in the rade, havin, or tovn of Leith, or to fillingis to be dewiteis to the tovn of Edinburgh: And attoure to be insert in this our saide charter the grete custumys and dewiteis that the thesaurare of the tovn resavis and takis of strangearis and vnfremen of schippis and gudis cumand in at the port of Leith and enterit in the tovnis bukis, togidder with the eschete of the sammyn quhare it beis fundin vnenterit of ony vnfremennis: In primis, of ilk last of barell gudis sic as pik ter meil ass or sic lik gudis xvi d.

Of ilk tvn wyne xvi d. Of ilk boit malvasy xii d. Of Rynch wyne, becaus of greit steikis of ilk crovn as it is bocht ii d. Item of the thousand irne ii s. Of thé hundreth sail canves ii s., and of the grete canves of the crovne ii d. Of all dry mersory, merchandice, and costly gudis of ilk crovn ii d. Of a barell of saip, oley, buttir, vynagir, flesch, or tallone vi d. Of ilk barell of vnyeans or apillis iiii d. Item of a pak of lynt contenand a last v s. iiii d. Of the hundreth tymmir, grete, smal burdis or dalis xvi d. Of the hundreth bowstryngis xvi d. Of a pak wald xii d. Of a tvn wad xiii s. iiii d. Of ilk schip in generale of gudis ii bollis, ane behind the mast and ane vthir before to sanct Gelis werk. Item the anchorage of ilk grete schip singill or doubill forcastellit xiii s. iiii d. The secundare x s. The mydlest vi s. viii d. The caumferis v s. The quhilk strangearis and vnfremen sal pay for custume of thare gudis outward to the tovn. Of ilk chaldir of salt viii d. Of ilk chaldir of smethy colis vi d. Of ilk last hydis xxxii d. Of ilk sek woll and skynnis xvi d. Of a pak of claith viii d. Of a pak of cunyngskynnis, lambskynnis, otteris, toddis, foulmertis, and sic like viii d. And attoure that na maner of stapill gudis of strangearis remane or be housit langare in Leith eftir it be dischargit and losit than it may be cartit and brocht to the tovn vndir the pane of eschete, and that thai mak na merkate in Leith vndir the sammyn pane to be takin and vsit be the saidis provest and bailyeis for the tyme to the tovnis vse: And in like wise that the saidis provest, bailyeis, clerk, consale, and communitee and thare successouris bruke, jois and vse all vthir custumys and priuilegis within the saide burghe Leith and watir according to the commone law with thare watir courtis attaichiamentis vnlawes and dewiteis sic like as thai and thare predecessouris has had of before with vse and wont.

Tenendas habendas et possidendas omnes et singulas custumas pecunias commoditates prouentus et libertates predictas, in omnibus et per omnia vt prescribitur, prefatis Preposito Balliuis Consulibus et Com-

To hold, have, and possess all and each the customs, monies, commodities, profits, and liberties foresaid, in all and by all, as is above written, by the fore-

munitati dicti burgi nostri de Edinburgh et eorum successoribus huiusmodi prepositis, balliuis, consulibus et communitatibus, de nobis et successoribus nostris in feodo et hereditate imperpetuum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento reuocacione quacunque, aut contradictione aliquali nostri vel successorum nostrorum quorumcunque inde quouismodo faciendis: Quare vniuersis et singulis legiis et subditis nostris, liberis et non liberis, ac aliis quibuscunque cuiuscunque nacionis existant naues, nauiculas vel batellas, magnas et paruas, ad dictum portum et radam de Leith ducentibus et ducturis, prenditoribusque et ceteris per eundem portum laborantibus et laborituris, omnibusque aliis quorum interest vel intererit, stricte precipimus et mandamus quatenus ordinaciones et dictarum pecuniarum soluciones predictas faciant, teneant et obseruent, ac in premissis omnibus predictis burgensibus burgi nostri de Edinburgh et eorum successoribus et collectoribus per ipsos deputatis et deputandis prompte respondeant, pareant et intendant, sub omni pena quam erga nostram et successorum nostrorum incurrere poterint maiestatem. In cuius rei testimonium huic presenti carte nostre dictis Preposito, Balliuis, Consulibus, Burgensibus et Communitati eorumque successoribus pro

said Provost, Bailies, Councillors, and Community of our said Burgh of Edinburgh, and their successors, the Provosts, Bailies, Councillors, and Communities thereof, of us and our successors in fee and heritage for ever, freely, quietly, fully, wholly, honourably, well, and in peace, without any reservation or revocation whatever, or any sort of contradiction, of us or any of our successors to be made thereupon in any way: Wherefore we firmly charge and command all and each of our lieges and subjects, freemen and unfreemen, and others whosoever of whatever nation they be, bringing and to bring ships, vessels, or boats, great and small, to the said port and road of Leith, and travellers and others labouring and to labour at the said port, and all others whom it concerns, or shall concern, that they fulfil, keep, and observe the foresaid regulations, make the foresaid payments of money, and promptly answer, obey, and perform the whole premises to the foresaid Burgesses of our Burgh of Edinburgh, and their successors and collectors appointed and to be appointed by them, under all pain which they can incur towards the royal majesty of us and our successors. In witness whereof we have ordered our great seal to be appended to this our present charter, in favour of

perpetuo durature magnum sigillum nostrum apponi precepimus: TESTIBUS reuerendis in Cristo patribus, Johanne episcopo Glasguensi cancellario nostro, Jacobo episcopo Dunkeldensi; dilectis auunculis nostris Andrea electo Morauiensi nostri secreti sigilli custode, Johanne comite Atholie domino de Baluany; delectis consanguineis nostris Willelmo comite de Eroll domino le Haye constabulario regni nostri, Dauid comite de Craufurde domino Lindissay magistro hospicii nostri, Jacobo comite de Mortoun domino de Dalkeith; venerabili in Cristo patre Archibaldo abbate monasterii nostri Sancte Crucis de Edinburgh thesaurario nostro, Thoma domino Erskin, Willelmo domino Abirnethy in Rothimay, Willelmo domino Borthwik; magistris Archibaldo Quhitelaw archidiacono Laudonie nostro secretario, et Patricio Leich canonico Glasguensi clerico nostrorum rotulorum et registri: Apud Edinburgh decimosexto die mensis Nouembris, anno Domini millesimo quadringentesimo octuagesimo secundo et regni nostri vicesimo tercio.

the foresaid Provost, Bailies, Councillors, and Community, and their successors to continue for ever: Witnesses, the reverend fathers in Christ, John, bishop of Glasgow, our chancellor; James, bishop of Dunkeld; our beloved uncles, Andrew, elect of Moray, keeper of our privy seal, John earl of Athole lord of Balvany; our beloved cousins, William earl of Errol lord Haye, constable of our kingdom, David earl of Craufurd lord Lindissay, master of our household, James earl of Morton lord of Dalkeith, the venerable father in Christ, Archibald abbot of our monastery of Holyrood of Edinburgh, our treasurer, Thomas lord Erskin, William lord Abirnethy in Rothimay, William lord Borthwik, Masters Archibald Quhitelaw archdeacon of Lothian, our secretary, and Patrick Leich canon of Glasgow, clerk of our rolls and register: At Edinburgh, the sixteenth day of the month of November, in the year of our Lord one thousand four hundred and eighty-two, and in the twenty-third year of our reign.

LVI.

RATIFICATION by King James the Fourth, under his Great Seal, of a Decree dated 25th October 1493, by the Lords of Council, at the instance of the Town of Edinburgh, against certain persons in Leith, for not paying anchorage dues, and for not entering their goods outward and inward. Edinburgh, 28th October 1493.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus suis ad quos presentes litere peruenerint salutem: SCIATIS nos quoddam actum siue decretum per dominos nostri consilii inferius descriptos datum et promulgatum vtique intellexisse, sub hac forma:

JAMES by the grace of God King of Scots: To all his good men to whom the present letters shall come greeting: Know ye that we have fully considered a certain act or decreet given and pronounced by the lords of our council under written in this form:—

At Edinburgh the xxv. day of October the yere of God j^{m} iiij^{c} lxxxxiij yeris, the lordis of consale vnderwrittin, that is to say, nobill and michty lordis, Archibald erle of Angus, etc., chancellare of Scotland, Robert lord Lile, Williame lord Borthuik, Laurence lord Oliphaunt, Williame lord of Sanct Johns, venerable faderis in God Henry abbot of Cambuskynneth, Robert abbot of Halirudehous, Robert abbot of Kelso, Master Alexander Inglis, archdene of Sanctandros, Master Johnne Fresale, dene of Lestalrig and clerk of the Register, Maister Richard Murehede dene of Glasgw, Maister Williame Wawane, officiale of Lowthiane, Maister Richard Lawsoun and Walter Bertraham: Anent the complante made be the Provest, Baileyeis, Consale and Communite of the Burgh of Edinburgh, apoun Dauid Quhite, Gilbert Edmonstoun, Dauid Croole, Johnne Sterhede, Williame Wod, and George Cornentoun yonger, induellaris of Leith for the wrangwis vexatioun and trubling of the said Provest,

Baleyeis, Consale, and Communite be the space of twa yeris bigane in the payment to thame of thair anchorage custumes and dewiteis of thare schippis and diuers vthir gudis quhilkis thai suld haue enterit, eftir the forme of the infeftmentes maid thairapoun and incurring the panys contenit thairintill; that is to say, to heue the half of the gudis vnenterit eschetit, the tane half thairof to the Kingis hienes and the tothir half to the Provest, Baleyeis, Consale, and Communite foresaid be ressoun of eschete, be vertew of the said infeftment: All the said partiis beand present thare richtis ressounis and allegatiounis at lenth sene, herd, and vnderstandin; the lordis of consale assignis to the saidis Provest, Baleyeis, Consale, and Communite of Edinburgh the ferd day of Februare nixt tocum, with continuatioun of dais, to preif sufficiently that the saidis persounis brocht within the realme, and had oute of the sammyn the merchandice and gudis contenit in thare writingis maid thairupoun, and that thai enterit nocht the sammyn gudis as the vtheris merchandices and gudis wer; and ordains thame to haue lettres to summond thair witnes; and the parties ar summond apud actua; and ordanis that lettres be gevin to summond the said persounis to heue the saidis gudis vnenterit be thame to be declarit eschete, the tane half to our Souerane Lord, the tother half to the said Provest, Baleyeis, Consale, and Communite efter the forme of thair infeftment foresaid.

Extractum de libro actorum per me Johanne Fresale decanum de Lestalrig clericum rotulorum et registri ac consilii Supremi Domini nostri Regis, sub meis signo et subscriptione manualibus.

Quodquidem actum siue decretum, ac omnia et singula in eodem contenta, in omnibus suis punctis et articulis, approbamus, ratificamus, et per presentes vt premissum est confirmamus. Datum sub testimonio magni sigilli nostri apud Edinburgh vicesimooctauo die mensis Octobris

Extracted from the book of the acts by me John Fresale dean of Lestalrig, clerk of the rolls and register and council of our Sovereign Lord the King, under my sign and subscription manual.

Which act or decree and all and sundry contained in the same in all its points and articles we approve, ratify, and by these presents, as is premised confirm. Given under the testimony of our great seal at Edinburgh the twenty-eighth day

anno Domini millesimo quadringentesimo nonagesimo terti, et regni nostri sexto.

of the month of October in the year of our Lord one thousand four hundred and ninety-three, and of our reign the sixth.

LVII.

CHARTER by Mr William Forbes, Provost of the Collegiate Church of St Giles, to the Provost, Bailies, Council, and Community of the Burgh of Edinburgh, of a part of his manse and of the glebe of his Church for the enlargement of the cemetery of the Church. Edinburgh, 30th July 1496.

OMNIBUS hanc cartam visuris vel audituris, Magister Willelmus Forbas, Prepositus Ecclesie Collegiate Beati Egidii de Edinburgh, salutem in Domino sempiternam: NOUERITIS nos, cum consensu et assensu prebendariorum capituli nostri dicte ecclesie ad hoc specialiter congregatorum solemni tractatu ecclesie prehabito, in melioratione eiusdem, in laudem et honorem omnipotentis Dei et sue beatissime genitricis Virginis Marie, et beati Egidii nostri patroni huiusmodi ecclesie, dedisse, concessisse et hac presenti carta nostra confirmasse, necnon dare concedere et hac presenti carta nostra confirmare, honorabilibus

TO all who shall see or hear this charter, Master William Forbes, Provost of the Collegiate Church of St Giles of Edinburgh, greeting in God everlasting: Know ye us with consent and assent of the prebendaries of our chapter of the said church, for that purpose specially assembled, solemn deliberation in the church being previously had, for the benefit of the same, in praise and honour of God Almighty and of his most blessed mother the Virgin Mary, and of St Giles, our patron of the same church, to have given, granted, and by this our present charter to have confirmed, as also to give, grant, and by this our present charter to confirm to

viris, Preposito Balliuis Consulibus et Communitati huiusmodi burgi, perochianis dicte ecclesie, totam et integram illam nostram borealem partem nostre mansionis et glebe prefate ecclesie proxime et immediate eidem adiacentem viz.: terram et cameram curate et scolam subtus, cum omnibus suis bondis et limitibus continentem et extendentem a dicta ecclesia vsque ad boreale gabellum domus que nuncupatur vulgariter le stabile, et ab hinc directe et linialiter extendentem versus occidentem vsque ad terras Alexandri Gray et quondam Willelmi Bigholme ab vna partibus et alia, in augmentacionem cimiterii prelibate ecclesie et sepultarum perochianorum eiusdem. TENENDAM et habendam totam et integram predictam borealem partem dicte nostre mansionis et glebe continentem et extendentem, vt supra, cum pertinentiis, dictis Preposito, Balliuis, Consulibus et communitati huiusmodi burgi et suis successoribus, a nobis et successoribus nostris, in puram et perpetuam elemosinam, per omnes rectas metas suas antiquas et diuisas, prout jacent in longitudine et latitudine, cum omnibus et singulis libertatibus commoditatibus proficuis et asiamentis ac justis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictam

honourable men the Provost, Bailies, Councillors, and Community of this Burgh, parishioners of the said church, All and Whole that our north part of our mansion and glebe of the said church next and immediately adjoining to the same, videlicet, the land and chamber of the curate and the school below with all their bounds and limits, containing and extending from the said church to the north gable of the house called the stable, and thence directly in a line westward to the lands of Alexander Gray and the late William Bigholme, on one and the other parts, in augmentation of the cemetery of the foresaid church and burying ground of the parishioners thereof. To have and to hold all and whole the said north part of our said manse and glebe, containing and extending as above, with the pertinents, to the said Provost, Bailies, Councillors, and Community of the said Burgh and their successors, from us and our successors, in pure and perpetual alms, by all their just and ancient marches and divisions, as they lie in length and breadth, with all and sundry liberties, commodities, profits, and easements, and their just pertinents whatsoever, as well not named as named, as well under the earth as above the earth, distant and near, to the said land, with the pertinents belonging or which can

terram cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum, libere quiete plenarie integre honorifice bene et in pace, sine aliquo retinemento reuocatione aut obstaculo aliquali: Tenebuntur ea propter dicti Prepositus, Balliui, Consules, et Communitas huiusmodi burgi et sui successores qui pro tempore fuerint edificare seu edificari facere vnam nouam cameram pro curato dicte ecclesie conuenientem, et scolam subtus eandem scolaribus aptam, supra predictum stabulum et in eodem loco quo iam scituatur; et quod introitus et exitus huiusmodi domorum sint ex parte orientati earundem; etiam ad construendam et edificari faciendam vnam latrinam in domo que vulgariter nuncupatur le Galry in competente loco, vbi nobis aut successoribus nostris melius videbitur expedire: Tenebuntur etiam dicti Prepositi, Balliui, Consules, et Communitas huiusmodi Burgi, et successores sui qui pro tempore fuerint, celebrari facere annuatim in choro dicte ecclesie et ad magnum altari eiusdem, die obitus mei predicti prepositi, cum contingerit, vnum obitum viz. placebo et dirige et missam cum nota de requiem pro salutem anime mee et animarum meorum [successorum] huiusmodi ecclesie prepositorum, sumptibus et expensis dicte ville de Edinburgh tantum: Et nos

justly belong in any manner of way in time coming, freely, quietly, fully, wholly, honourably, well, and in peace, without any retention, revocation, or obstacle whatsoever; For which the said Provost, Bailies, Councillors, and Community of the said Burgh and their successors, who shall be for the time, are held bound to build or to cause to be built a new convenient chamber for the curate and a suitable school below the same for scholars above the foresaid stable, and in the same place where it now is, and that the entry to and exit from the said house shall be upon the east side of the same; also to construct and cause to be built a latrin in the house which is commonly called the gallery in a fitting place which to us and our successors may seem most suitable. The said Provosts, Bailies, Councillors, and Community of this Burgh and their successors who shall be for the time are also held bound to cause to be celebrated annually in the choir of the said church and at the high altar of the same, on the day of the decease of me the foresaid Provost, when it shall happen, an obit videlicet: *Placebo* and *Dirige* and a chanted mass of requiem for the health of my soul and the souls of my successors provosts of this church at the costs and charge of the said town of Edinburgh only: And we the foresaid provost, and our successors

vero predictus prepositus, et successores nostri dicte ecclesie prepositi qui pro tempore fuerint, totam et integram predictam borealem partem dicte nostre mansionis et glebe continentem et extendentem vt supra cum pertinenciis, dictis Preposito, Balliuis, Consulibus, et Communitati huiusmodi Burgi et suis successoribus, adeo libere et quiete, in omnibus et per omnia, forma priter et effectu vt prescriptum est, contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus. In cuius rei testimonum sigillum meum proprium, vnacum sigillo communi capituli nostri huiusmodi Collegii, presenti carte nostre est appensum, in signum etiam saisine predicte terre cum pertinenciis, per exhibitionem terre et lapidis honorabili viro, Johanni Foulare decano gilde dicte burgi, nomine et ex parte dictorum Prepositi, Balliuorum, Consulum, Communitatis eiusdem, per nos propriis manibus tradite et deliberate, apud Edinburgh, penultimo die mensis Julii, anno Domini millesimo quadringentesimo nonagesimo sexto, coram hiis testibus, Magistro Ricardo Robesoun, Magistro Jacobo Patersoun, Magistro Willelmo Balbirny, Dominis Willelmo Blaklok, Georgio Cotis, et Michaelo Geddas, capellano, notariis, cum diuersis aliis.

provosts of the said church who shall be for the time, shall warrant, acquit, and for ever defend against all mortals all and whole the said north part of our said manse and glebe, containing and extending as above, with the pertinents to the said Provost, Bailies, Councillors, and Community of the said Burgh and their successors as freely and quietly, in all and by all, in the like form and effect as is above written. In witness whereof my proper seal together with the common seal of the chapter of our said college is appended to our present charter; in token also of sasine of the foresaid land with the pertinents being given and delivered by our own hands by delivery of earth and stone to an honourable man John Foular, Dean of Guild of the said Burgh, in name and on behalf of the said Provost, Bailies, Council, and Community of the same, at Edinburgh the thirtieth day of the month of July in the year of our Lord one thousand four hundred and ninety-six, before these witnesses Mr Richard Robeson, Mr James Paterson, Mr William Balbirny, Sirs William Blaklok, George Cotis, and Michael Geddes, chaplain, notaries, with sundry others.

LVIII.

TRANSUMPT, on 21st March 1525–6, of CHARTER by James Archbishop of St Andrews, annexing the Church of Dunnotter to Trinity College, for the support of two Prebendaries, to be called respectively "the Dean" and "the Prebendary of Dunnotter." Edinburgh, 14th November 1502.

VNIUERSIS et singulis Sancte Matris Ecclesie filiis presentes literas inspecturis lecturis visuris pariterque audituris: Jacobus Symsoun, rector de Kyrkforthir ac officialis Sanctiandree principalis salutem in Domino sempiternam: Noueritis quod nos ad instanciam venerabilis viri magistri Alexandri Kynnynmond procuratoris specialiter constituti pro venerabili et egregio viro Domino Johanne Dingwaill preposito Ecclesie Collegiate Sancte Trinitatis prope Edinburgh Sanctiandree diocesis, omnes et singulos interesse habentes seu habere putantes, et quos infrascriptum tangit negotium seu tangere poterit quomodolibet in futurum, ad comparendum coram nobis seu commissariis nostris, pluribus aut vno, certis die et loco inferius designatis, ad videndas et audiendas quasdam iteras recolende memorie ac quondam reuerendissimi in Cristo patris et

TO all and sundry sons of Holy Mother Church who shall examine, read, see, and likewise hear these present letters, James Symsoun, rector of Kyrkforthir, and Official principal of St Andrews, eternal salvation in the Lord: Know ye that we, at the instance of the venerable man Master Alexander Kynnynmond, procurator specially constituted for a venerable and worthy man Sir John Dingwall, provost of the Collegiate Church of the Holy Trinity near Edinburgh, in the diocese of St Andrews, have caused to be summoned by public edict, affixed to the walls of the Metropolitan Church of St Andrews, all and sundry having, or thinking they have interest, and whom the matter hereafter mentioned affects, or may in any way affect in time to come, to appear before us or our commissaries, one or more, on a certain day and place hereinafter set forth, to see and hear certain letters—of the late most reverend father in Christ, and lord of venerated memory, James by divine

domini, Jacobi miseratione diuina Sanctiandree Archiepiscopi totius regni Scotie primatis et apostolice sedis legati nati Ducis Rossie ac commendatarii perpetui monasterii de Dunfermling, in originalibus pergamino scriptas, eius sigillo rotundo roboratas, cum consensu et assensu venerabilium et religiosorum virorum, dominorum prioris ac conuentus Sanctiandree, capitulariter congregatorum, eorum sigillo capitulari munitas, ac signo et subscriptione quondam circumspecti viri magistri Patricii Middilton notarii publici etiam subscriptas et roboratas, de et super erectione creatione et deputatione ecclesie perrochialis de Donnottir dicte Sanctiandree diocesis, tam rectorie quam vicarie eiusdem, ac vnione annexatione et incorporatione eiusdem ecclesie per dictum reuerendissimum in duabis prebendis pro duobis prebendariis perpetuo Deo seruituris in ecclesia Collegiata Sancte Trinitatis prope Edinburgh antedicta, prout in hujusmodi literis erectionis desuper confectis et conscriptis in libro regestri monasterii Sanctiandree, et ibidem ad perpetuam rei memoriam registratis, plenius continetur, transsumi copiari publicari et exemplari ac in publicam transsumpti formam redigi, aliaque fieri et executioni demandari, que in hac parte de jure requiritur, in valuis

mercy Archbishop of St Andrews, primate of the whole kingdom of Scotland, and legate natus of the apostolic see, duke of Ross, and perpetual commendator of the monastery of Dunfermling, written in the original on parchment, confirmed by his seal, with the consent and assent of venerable and religious men, the lord prior and convent of St Andrews assembled in chapter, sealed with the chapter seal, and subscribed and affirmed with the sign and subscription of the late circumspect man Master Patrick Middilton, notary public, of and concerning the erection, creation, and deputation of the parish church of Dunnotter in the said diocese of St Andrews, as well parsonage as vicarage of the same, and of the union, annexation, and incorporation of the same church, by the said most reverend, into two prebends for two prebendaries to serve God for ever in the foresaid Collegiate Church of the Holy Trinity near Edinburgh, as in the same letter of erection made thereupon and engrossed in the register book of the monastery of St Andrews, and registered there for perpetual memory of the fact, is more fully contained,—transumed, copied, published, and drawn up in the the form of a public transumpt, and other things done and demanded to be done as in this part is required by law; On which

ecclesie metropolitane Sanctiandree per edictum publicum ibidem affixum, citari fecimus: Quo die adueniente et comparente coram nobis dicto procuratore prefati domini prepositi et huiusmodi librum regestri prefati monasterii Sanctiandree coram nobis judicialiter exhibente et vocatis interesse habentibus et non comparentibus, ipsis contumacibus reputatis, huiusmodi librum regestri, necnon prefatam erectionem coram nobis collationatam in eodem expressatam, cum originali de uerbo in uerbum concordantem, per testes juratos sufficienter in forma juris recognitam, transsumi, copiari, publicari, et per notarium publicum subscriptum exemplari, et in formam juris redigi decreuimus, cum omni juris solemnitate, quod presenti transsumpto siue instrumento publico, erectionem antedictam in se continenti, tanta fides in judicio et extra ac vbique locorum de cetero detur et adhibeatur qualis et quanta prefate erectioni originali daretur et adhiberetur si in medium produceretur.

Sequitur tenor prefate erectionis dicte Ecclesie de Donnottir, cum suis pertinentiis, prout in huiusmodi libro regestri dicti monasterii Sanctiandree registratur et continetur, de quo supra fuit mentio.

JACOBUS miseratione diuina Sanctiandree Archiepiscopus, totius regni

day, compearing before us the said procurator of the foresaid Provost, and exhibiting before us judicially the said register book of the foresaid monastery of St Andrews, and those having interest having been cited, and not compearing, being reckoned disobedient, we decerned with all solemnity of law that the said register book, and the foresaid erection contained in the same, having been collated before us, and acknowledged by witnesses duly sworn in legal form as agreeing with the original word for word, should be transumed, copied, published, and transcribed, and drawn up in legal form, by the underwritten notary public, that as much credit may be given and accorded, both in and out of court and everywhere else, to the present transumpt or public instrument, containing in it the foresaid erection, as would be given and accorded to the original erection if it were publicly produced.

Here follows the tenor of the foresaid erection of the said church of Dunnotter with its pertinents, as registered and contained in the said register book of the monastery of St Andrews, of which mention has been above made:—

JAMES by divine mercy Archbishop of St Andrews, Primate of the whole

Scotie primas et apostolice sedis legatus, Dux Rossie, et commendatarius perpetuus monasterii de Dunfermling etc. vniuersis sancte matris Ecclesie filiis ad quorum notitias presentes litere peruenerint, salutem in omnium saluatore. Ut ecclesiarum omnium et presertim collegiatarum per prouinciam et diocesim nostram consistentium, et ad illarum decorem inibi dignitates obtinentium personarum status salubriter dirigi seruarique possit honestius, ac numerus personarum diuinum ibidem psallentium officium oportunior habeatur, nostri libenter fauoris impertimur presidium, potissime cum temporum requirit necessitas, cause persuadent rationabiles, et diuini cultus augmentum salubriter id exposcit: Exhibita siquidem nobis nuper per dilectum nostrum clericum magistrum Johannem Brady prepositum Ecclesie Collegiate Sancte Trinitatis prope Edinburgh nostre diocesis, petitio continebat, quod in dicto Collegio tantum octo prebendarii pro nunc existunt, et si numerus prebendariorum augeretur, in non modicum diuini cultus augmentum et ipsius ecclesie collegiate honorem et vtilitatem cederet et deueniret, et sicut eadem petitio subiungebat si parochialis ecclesia de Donnottir nostre diocesis, ad nostram collationem et plenariam dispositionem spectans et

kingdom of Scotland, and Legate of the apostolic see, Duke of Ross, and perpetual commendator of the monastery of Dunfermling, etc.: To all the sons of Holy Mother Church to whose notice these present letters shall come, greeting in the Saviour of all: We willingly grant our friendly aid, especially when the necessity of the times requires, reasonable causes induce, and the salutary advancement of divine worship demands, that the condition of all churches, especially collegiate, throughout our province and diocese, and for their honour, of persons holding dignities therein, may be wholesomely regulated, and more creditably maintained, and that the number of persons chanting divine service in the same may be more adequate; inasmuch as a petition lately presented to us by our beloved clerk, Master John Brady, provost of the Collegiate Church of the Holy Trinity near Edinburgh, in our diocese, set forth that in the said College there are now only eight prebendaries, and that if the number of prebendaries were increased, it would tend to the great advancement of divine worship, and to the honour and profit of the Collegiate Church itself, and as the same petition went on to say, if the parish church of Dunnottir in our diocese, belonging and pertaining to our collation and free grant, were

pertinens, dicto Collegio vniretur et incorporaretur, dueque prebende pro duobis prebendariis ex fructibus dicte ecclesie parochialis, in augmentum dictorum octo prebendariarum inibi existentium constituerentur, crearentur et erigerentur, ipsi ecclesie collegiate plurimum prouideretur, cultusque diuinus exinde augmentaretur in eadem; quare per dictum magistrum Johannem nobis fuit humiliter supplicatum ut super hiis prouidere de ordinaria autoritate dignaremur: Nos vero attendentes petitionem huiusmodi justam et rationi consonam, de premissis omnibus et singulis ac eorum circumstantiis vniuersis inquisiuimus, et nos diligenter informauimus, et per informationem eandem reperimus omnia et singula per dictum magistrum Johannem asserta et narrata, ut premittitur, vera et veritate fulciri: Idcirco autoritate nostra ordinaria qua fungimur in hac [parte] matura deliberatione et solempni tractatu cum priore et capitulo nostre ecclesie in talibus fieri solito prehabitis, ad Dei laudem et Sancte et Indiuidue Trinitatis gloriam et honorem, et in diuini cultus augmentum, duas prebendas pro duobis prebendariis perpetuo Deo seruituris in eadem ecclesia Collegiata Sancte Trinitatis, de

united to and incorporated with the said College, and two prebends for two prebendaries were constituted, created, and erected out of the fruits of the said parish church, in addition to the said eight prebendaries which are now therein, the said Collegiate Church would be well provided for, and divine worship in the same advanced thereby; wherefore we were humbly besought by the said Master John that we would deign of our authority as Ordinary to provide in regard to these matters. And we, considering the said petition to be just and agreeable to reason, have diligently inquired and informed ourselves concerning all and singular the premises and their circumstances, and by the same information have found all and singular the things so asserted and narrated by the foresaid Master John to be true and supported by the truth: Therefore by our authority as Ordinary, which we exercise in these parts, after mature deliberation and solemn consultation previously had with the prior and chapter of our church, as is wont in such cases, to the praise of God and the glory and honour of the Holy and Undivided Trinity, and for the advancement of divine worship, we have created, erected, and deputed, as by these presents we create, erect, and depute two prebends for two prebendaries, to be described below, to serve God for ever in the said Collegiate Church of the Holy Trinity out of the fruits of the said parish

fructibus dicte ecclesie parochialis de Donnottir per nos inferius designandis, creauimus ereximus et deputauimus, prout per presentes creamus erigimus et deputamus, ac dictam ecclesiam parrochialem de Donnottir, cum omnibus juribus et pertinentiis suis, imperpetuum, dictis duobis prebendariis pro suis prebendis, vniuimus anneximus et incorporauimus, ac exnunc vnimus annectimus et incorporamus; ita quod cedente vel decedente Magistro Valtero Stratoun moderno ipsius parochialis ecclesie rectore, seu illam aliis quomodolibet demittente, etiam si actu quouismodo nunc valet, liceat dictis duobis prebendariis corporalem realem et actualem possessionem dicte parrochalis ecclesie jurium et pertinentiarum eiusdem autoritate propria apprehendere, ac in suos dictarum prebendarum ac vicarii per nos creandi vsus et vtilitatem conuertere et perpetuo retinere, alterius superioris licentia super hoc minime requisita: Primus vero istorum prebendariorum vocabitur Decanus, qui in absencia prepositi erit principalis et presidens in choro ac capitulo eiusdem ecclesie, habebitque jurisdictionem iis, prepositi totalem ipso absente, preposito vero presente cessabit omnis jurisdictis et potestas dicti decani; sed primus et principalis post prepositum in ecclesia ac capitulo

church of Dunnottir; and we have united, annexed, and incorporated, and now unite, annex, and incorporate the said parish church of Dunnottir, with all its rights and pertinents for ever to the said two prebendaries for their prebends, so that upon the resignation or decease of Master Walter Stratoun, the present rector of the said parish church, or his demitting it to others in any way, even if he now has any power to do so, it shall be lawful to the said two prebendaries to take corporal, real, and actual possession of the said parish church, and of the rights and pertinents of the same, by their proper authority, and to convert and for ever retain the same for the use and profit of the said prebendaries themselves and of a vicar to be appointed by us, the licence of any other superior being nowise required for that effect. Moreover, the first of these prebendaries shall be called the Dean, who, in the absence of the provost, shall be principal and president in the choir and chapter of the same church, and shall have all the jurisdiction of the provost in the same, the provost himself being absent, in his presence however the whole jurisdiction and power of the said Dean shall cease, but he shall have the first and principal place after the provost in the church and

inter ceteros prebendarios habeatur, habebitque pro sua sustentatione medietatem omnium et singulorum fructuum oblationum et decimarum tam rectorie quod vicarie dicte ecclesie de Dunnottir vnite. Secundus vero prebendarius vocabitur Prebendarius de Dunnottir, eritque expertus ac bene eruditus in organis et ludet in illis festis congruentibus, qui celibrabit pro Jacobo moderno Archiepiscopo Sanctiandree fratre germane Regis Scocie, missam cum dispositus fuerit, in vndecima hora ante meridiem, habebitque pro sua sustentatione aliam dimedietatem fructuum decimarum et oblacionum vicarie et rectorie eiusdem ecclesie de Dunnottir. Et ambo isti prebendarii erunt sacerdotes ac docti et experti in legendo et construendo plano cantu preket not et discantu, et faciant obedientiam proposito in primo introitu jurabuntque seruare statuta ac omnia et singula in primeua fundacione dicte Ecclesie Collegiate ordinata, ac personalem et continuam facient residentiam apud dictam ecclesiam collegiatam per seipsos et non per alios, sicuti ceteri prebendarii dicte ecclesie. Et ne dicta nostra parrochialis ecclesia de Dunnottir propter presentem nostram erectionem et vnionem

chapter among the other prebendaries; and shall have for his maintenance the half of all and singular the fruits, oblations, and teinds, as well parsonage as vicarage of the said united church of Dunnottir. The second prebendary shall be called the prebendary of Dunnottir, and shall be expert and well learned in organs, and shall play upon them on the proper feasts, and he shall celebrate mass for James present Archbishop of St Andrews, brother-german of the King of Scotland, when he shall be appointed, at the eleventh hour before noon, and shall have for his maintenance the other half of the fruits, teinds, and oblations, parsonage and vicarage of the said church of Dunnottir. And both the said prebendaries shall be priests, and learned and expert in reading and understanding plain chant, "preket not" and responding, and shall make obedience to the provost on their first entrance, and shall swear to observe the statutes and all and sundry the things ordained in the original foundation of the said Collegiate Church, and shall be in personal and constant residence at the said Collegiate Church by themselves, and not by others, like the rest of the prebendaries of the said church. And lest our said parish church of Dunnottir should by reason of our present erection and union be deprived of due services, and the cure of souls therein be neglected, we

debitis fraudatur obsequiis et animarum cura in ea neglegatur, statuimus et ordinamus ut dicti duo prebendarii annuatim persoluant viginti mercas monete Scotie currentis vicario pensionario pro sua sustentatione, videlicet decanus decem mercas in festo Penthecostes, et prebendarius de Donnottir alias decem mercas in feste Sancti Martini in hieme inde sequente: Quamquidem vicariam exnunc similiter erigimus et constituimus per presentes, ipseque vicarius jura nostra episcopalia archidiaconalia et alia ante presentem erectionem et vnionem consueta persoluet, curamque animarum dicte parrochialis ecclesie et parochie geret et exerceat: Collationem institutionem ac omnimodam dispositionem dictarum prebendarum ac vicarie sic per nos erectarum cum vacare contigerit, nobis et successoribus nostris, Sanctiandree archiepiscopis pro tempore existentibus, omnimodo pertinere volumus ac decernimus: Et quotienscunque contigerit nos aut aliquem ex successoribus nostris dictas prebendas aut aliquam earundem pro tempore vacantem conferre persone seu personis non qualificatis et instructis juxta tenorem antique fundationis dicte ecclesie collegiate et nostram ordinationem presentibus expressam, licebit sit preposito et prebendariis dicte ecclesie collegiate

appoint and ordain that the said two prebendaries shall pay yearly twenty merks of the current money of Scotland to a vicar pensioner for his maintenance, videlicet, the dean ten merks at the feast of Whitsunday, and the prebendary of Dunnottir other ten merks at the feast of Martinmas in the winter thereafter following; Which vicarage we now in like manner erect and constitute by these presents, and the same vicar shall pay our episcopal, archidiaconal, and other dues wont to be paid before the present erection and union, and shall bear and exercise the cure of souls in the said parish church and parish. We will and decern the collation, institution, and every kind of disposition of the said prebends and vicarage thus by us erected, when they shall happen to be vacant, to belong to us and our successors the Archbishops of St Andrews for the time being: And whenever we or any of our successors shall confer the said prebends or any of them, vacant for the time, on a person or persons not qualified and learned according to the tenor of the old foundation of the said Collegiate Church, and our ordinance expressed in these presents, it shall be lawful for the provost and prebendaries of the said Collegiate Church for the time being to decline and

pro tempore existentibus talem seu tales quibus contigerit dictas prebendas aut earum aliquam, per nos aut nostrum successorem conferri tanquam indignos et inydoneos repellere et refutare: Collationesque tales sit per nos vel successorem nostrum factas et fiendas, exnunc prout extunc et econuerso, nullas et inualidas esse decernimus: Saluis nobis et successoribus nostris juribus episcopalibus ac archidiaconalibus vel aliis de jure vel consuetudine ante presentem nostram erectionem vnionem et incorporationem debitis et consuetis. In quorum omnium et singulorum premissorum fidem ac testimonium has presentes literas siue presens publicum instrumentum erectionem et vnionem in se continentem, per notarium publicam subscriptum scribamque nostrum subscribi et publicari mandauimus, sigillique nostri auctentici, vnacum sigillo capituli nostri, jussumus et fecimus appensione communiri, apud Edinburgh decimoquarto die mensis Nouembris, anno Domini millesimo quingentesimo secundo, indictione sexta, pontificatus sanctissimi in Christo patris et domini nostri, domini Alexandri, diuina prouidencia Pape sexti anno vndecimo: Presentibus ibidem honorabili viro Johanne Maluill de Raith, venerabilibus et religiosis viris dompnis Roberto Suentoun sacrista de Dunfermling, Willelmo Baxtar, et Johanne Spend-

refuse as unworthy and unfit such person or persons on whom may have been conferred the said prebends or any one of them by us or our successor; and such collations made or which may be made either by us or our successors, now as then and then as now, we decern to be void and null. Saving to us and our successors the episcopal and archidiaconal rights or others due and wont by law or custom before our present erection, union, and incorporation. And in faith and testimony of all and singular the premises, this present letter or present public instrument containing in itself the erection and union, we have commanded to be subscribed and published, by the notary public subscribing, and our clerk, and we have ordered and caused it to be confirmed by the appending of our authentic seal, together with the seal of our chapter, at Edinburgh, on the fourteenth day of the month of November, in the year of our Lord one thousand five hundred and two, in the sixth indiction, and in the eleventh year of the pontificate of the most holy father in Christ and our lord the lord Alexander the sixth, by divine providence Pope. Present there an honourable man John Maluill of Raith, venerable and religious men Sirs Robert Suentoun sacristan of Dunfermling,

luff, monachis dicti monasterii, testibus ad premissa vocatis pariter et rogatis.

Sequitur tenor subscriptionis dicti notarii in premissis.

Et ego Patricius Middiltoun in artibus magister presbyter Sanctiandree diocesis publicus apostolica et imperiali autoritatibus notarius, etc.

In quorum omnium et singulorum fidem et testimonium premissorum has presentes literas, siue presens publicum instrumentum, exinde fieri, et per notarium publicum subscriptum subscribi et publicari mandauimus, sigillique nostri officii officialatus Sanctiandree principalis quo vtimur, jussimus et fecimus appensione communiri. Datum et actum in ecclesie parrochiali Sancte Trinitatis infra ciuitatem Sanctiandree, nobis inibi pro tribunali sedentibus, sub anno a natiuitate Domini millesimo quingentesimo vigesimo quinto, mensis vero Martii die vigesimo primo, indictione decima quarta, pontificatus sanctissimi in Cristi patris et domini nostri domini Clementis, diuina prouidencia Pape septimi, anno tertio: Presentibus ibidem venerabilibus et egregiis viris Magistris Thoma Kincrage, Thoma Wemis, Georgeo Strang, Alexandro Makcahoyn, Andrea Foular, Dominis Henrico Balfour et Georgeo Gerwes

William Baxtar and John Spendluff, monks of the said monastery, witnesses to the premises, alike called and required.

Follows the tenor of the subscription of the said notary in the premises:— And I Patrick Middletoun, master of arts, presbyter of the diocese of St Andrews, notary public, by apostolic and imperial authority, etc.

In faith and testimony of all and sundry the premises we have ordered this present letter or present public instrument to be made thereupon, and to be subscribed and published by the notary public underwritten, and have commanded and caused it to be confirmed by appending the seal which we use of our office of Official Principal of St Andrews. Given and done in the parish church of the Holy Trinity within the city of St Andrews, we sitting in judgment therein, in the year from the nativity of our Lord one thousand five hundred and twenty-five, on the twenty-first day of the month of March, in the fourteenth indiction, and in the third year of the pontificate of the most holy father in Christ and our lord the lord Clement the seventh, by divine providence Pope. Present there venerable and worthy men Masters Thomas Kincrage, Thomas Wemis, George Strang, Alexander Makcahoyn, Andrew Foular, Sirs Henry Balfour and George Gerwes,

capellanis, clericis Sanctiandree diocesis, cum diuersis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego Robertus Lausone, Artium Magister, clericus Sanctiandree diocesis publicus auctoritate apostolica notarius, etc.

chaplains, clerks of the diocese of St Andrews, with divers other witnesses to the premises alike called and required.

And I Robert Lausone, Master of Arts, clerk of the diocese of St Andrews, by apostolic authority notary public, etc.

LIX.

LICENCE by King James the Fourth, under his Signet, to the merchants, neighbours, and indwellers of the Burgh of Edinburgh, to recover the merchandise and goods from the ship called the "Little Martin," which was cast away at Innerwicknes. Edinburgh, 24th November 1504.

REX: We with avis of the Lordis of our Counsall be the tenor heirof grantis and gevis licence to the merchandis nychtbouris and induellaris of our Burgh of Edinburgh and thar seruandis to pas to Innerwiknes or ony vther pairtis thairabout for recovering saufte and getting of thar merchandice and gudis being in the schip callit the Litill Martin latlie skorit or brokin in tha pairtis; and gif it happinnis thame to intercommoun with our rebellis in passing remaning or returning fra the saufte and getting of thair saidis merchandice and gudis, we will and grantis that thar sall na cryme be imput to thame thairthrou, and that thai nor nane of thame salbe accusit nor incur ony skayth or danger thairthrou in thar personis, landis, or gudis in ony wis in tyme cuming nochtwithstanding ony our lawis, actis, or statutis maid in the contrar

anent the quhilkis we dispens with thame be thir our lettres. Gevin vndir our signet at Edinburgh the xxiiij day of Nouember and of our regne the xvj yeir.

Ex deliberatione Dominorum Concilij etc.

L. S. T. CHAPMAN.

LX.

LETTERS by King James the Fourth, under his Signet, prohibiting the packing and peiling of goods or merchandise in Leith or Canongate, or the shipment of such goods, until the same were seen and customed, &c. Edinburgh, 10th May 1506.

JAMES, be the grace of God King of Scottis, to our customaris of our Burgh of Edinburgh present and tocum, greeting: Forasmekle as it is vnderstand be the lordis of our counsall that we ar greittumlie defraudit in our cvstomes throw pakking and peling of merchand gude in Leith to be had furth of our realme, and throw selling of strangearis gudis in Leyth vnenterit to our Burgh of Edinburgh, in contrare our lawis and actis of parliament, and throw selling of clayth and vtheris guidis to strangearis in Leith vnsene or customit be yow, Oure will is heirfor and we charge yow straitlie and commandis vncontinent, thir our lettres sene ye pas and in our name and authoritie command and charge be oppin proclamatioun at the merkat cors of our said Burgh all and syndrie our lieges and strangearis reparand within our realme, that nane of thame tak vpon hand to pak or peill in Leith or in the Cannogait ony maner of merchandice or guidis to be had of our realme, or to schip the samyn packet thair or in ony vther placis vnto the tyme that the saidis guidis be sene and custumit be yow our saidis custumeris, and the customes and dewties thairof lelely payit as effeirs, nor that na strangearis bring and merchandice or guidis within our realme to our port of Leyth, sell or mak mercat thairof in Leith or ony vther places to ony maner of persons quhill entre be maid thairof to our toun of Edinburgh, and their

dewties payit according to our actis and statutis maid thairvpoun, vnder the pane of escheiting of all the saidis guidis packet, schippet or sauld vnenterit in manner aboue written; charging lykwys that na skipperis nor maisters of schippis saill furth of our realme fra our said port with thair schippis chargit with any merchandice or guidis quhill the saymn be lelely enteret to yow our saidis customeris, and the cokket thairof deliuerit to thame and entred vnder the samyn pane; nor that na maner of persons mak merket with strangearis of claith hydis woll or ony vther merchandice that aucht ws custome in Leith, bot that thai cum and mak the market thairof in our Burgh of Edinburgh, that the saymn be nocht secretlie schippit and we defraudit of our customes aucht thairof, lykeas we haue bene in tymes bygane, vnder the samyn payne of escheiting of the saidis guidis bayth to the byaris and sellaris; and efter the said proclamatioun that ye diligentlie serche and seik be your self your seruandis and factouris quhair ony maner of personis our liegis or strangearis dois incontrair this our proclamatioun and inhibitioun in ony pointis, and quhair ony beis apprehendit that ye escheit the saidis guidis and inbring the samyn to our vse according to our saidis actis and statutis as ye will ansuer to ws vpoun the executioun of your office; and that ye in our name promit and gif to the sercheouris and fyndaris of the said escheit guidis ane pairt thairof according to thair labouris, and caus the mair diligence be done thairin: the quhilk to do we commit to yow our saidis customeris present and to cum coniunctlie and severalie, and to your seruandis and factouris that sall be lymmit be yow thairto, for the quhilk ye sall be haldin to ansuer our full power be thir our lettres, gavin vnder our signet at Edinburgh, the x day of Maij and of our rigne the xviij yeir.

Ex deliberatione dominorum consilii.

CHEPMEN.

LXI.

LETTER by King James the Fourth, under his Privy Seal, to the Burgh of Edinburgh, and to the Provost, Bailies, and Community thereof, Sheriffs within the same, and their successors, altering the time of holding Alhallow and Trinity Fairs. Edinburgh, 2d November 1507.

JAMES be the grace of God King of Scottis: To all and sindri oure officiaris, liegis and subdictis quham it efferis quhais knawlege thir our letteris sal cum, greeting: Wit yhe that forsamekil as we vndirstand that Alhalow Fair quhilk is haldin at our Burgh of Edinburgh has bene in tymes bigane proclamit on Alhalow evin, and than began and sa continewit for acht dais folowand, the quhilk was the occasione and caus of violacione and breking of the halidayis that hapnis within the samyn, sic as Alhalow day, Saul mes day, and the feist of the dedicacioun of Sanct Gelis kirk of our said Burgh quhilk fallis yeirlie on the thrid day of Nouember, and als ane vthere fair haldin yerlie within oure said Burgh at Trinite Sonday. We herfore in eschewing herof, and for obseruing ande keping of the festiual and halidais in tyme tocum to the honour and loving of God and all Sanctis, and for the commoun profit of oure said Burgh and inhabitantis tharof, and for vther racionabil causis and considerationis moving ws, haf infeft, gevin, grantit and confirmit, and be thir oure lettris for ws and oure successoris, infeftis, gevis, grantis and confirmis perpetuali to oure said Burgh of Edinburgh, and to the Provest, Bailyeis and Communitie tharof, oure Schereffis within the saymn, present and for tocum, thare said fre and public fairis to be haldin at oure said Burgh and within the boundis thairof, and to begyn yeirlie the said Alhalow fair vpoun the ferd day of the said moneth of Nouember, and for the space of acht dais or fiftene dais next and togiddir thairefter folowing to continew persevere and indure. And in likewis thair said Trinite faires yeirlie to begin on the Monninday next eftir Trinite Sonday, and sa and frathinfurth to continew for aucht dais immediatlie thaireftir folowand. With all and sindri custumes, tollis, feis, priui-

legis, fredomes, proffitis and dewiteis acht and wont thairof, baith to oure said Scheref of Edinburgh within the Burgh and fredome thairof, and to the Ballies and vtheres officiaris of the saymn. And siclike and als frelie as thai and their predecessoris held, had, vsit, joisit and brukit the samyn in ony tymes begane, and als frelie as ony vtheres fre faris are grantit, haldin and vsit be ony vther personis oure liegis at ony vthere toune and place within oure realme, frelie, quietlie, weile and in pece, but ony impediment reuocation or agancalling quhatsumeuir. Quharefore we charge straitlie and commandis you all and sundrie oure officiaris, liegis and subdictis forsaidis that ye and ilkane of you quham it efferis that ye redely intend ansuere and obey to the saidis Schereffis, Provestis, Baillies and officiaris of oure said burgh now present and for tocum, in the peceabil halding, joising, bruking and vsing of thair saidis publict and fre fairis, to begyn and hald the dais ande placis forsaid yerlie in tymes tocum als frelie in all and be all thingis as is aboue-writtin. And that nane of you tak apon hand to mak ony stop or impediment to thame thairintill, or do ony thingis in contrar hereof ony maner of way, vnder all the hiest pane charge and offens that ye and ilkane of you may commit and inryn agane oure Maieste in that part. Gevin vnder oure priue seile at oure said Burgh of Edinburgh the secund day of Nouember the yeir of God a thousand five hundreth and sevin yeris, and of oure regne the tuenty yere.

L. S. JAMES R.

LXII.

CHARTER by King James the Fourth, under his Great Seal, empowering the Provost, Bailies, Council, and Community of the Burgh of Edinburgh, to lease the Borough Muir. 6th October 1508.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus totius terre sue clericis et laicis, salutem: Sciatis quia pro speciali fauore quem gerimus erga dilectos nostros Prepositum, Balliuos, Consules, et Communitatem Burgi nostri de Edinburgh ac pro communi bono et proficuio eiusdem, dedimus et concessimus et hac presenti carta nostra damus et concedimus, pro nobis et successoribus nostris, dictis Preposito, Balliuis, Consulibus, et Communitati Burgi nostri antedicti et eorum successoribus, nostras consensum specialem, licenciam liberam, facultatem et plenariam potestatem nunc et in omni tempore affuturo, ad assedandum communes terras suas communis more de Edinburgh vocate le Burrowmure et communis marresie eiusdem vocate le commoun myre cum pertinenciis, in toto vel in parte, in feodifirma, per cartas et sasinas hereditarie, cuicumque persone vel quibuscunque personis prout eis magis videbitur expediens, pro feodifirma dicto Burgo nostro in augmentatione

JAMES by the grace of God King of Scots: To all good men of his whole land, clerics and laics, greeting: Know ye that, for the special favour which we bear towards our beloved the Provost, Baillies, Councillors, and Community of our Burgh of Edinburgh, and for the common good and profit of the same, we have given and granted, and by this our present charter give and grant for us and our successors, to the said Provost, Bailies, Councillors, and Community of our Burgh aforesaid, and to their successors, our special consent, free license, privilege, and full power, now and in all time coming to lease their common lands of the common muir of Edinburgh called "the Burrowmure" and the common marsh thereof called the common myre with their pertinents, in whole or in part, in feu-farm heritably by charters and sasines to any person or persons, as to them shall seem most expedient, for feuduties to be paid therefrom yearly to our said Burgh in augmentation of the common good thereof; To be

communis redditus eiusdem annuatim inde reddenda: Tenenda de nobis et successoribus nostris in feodo et hereditate ac libero burgagio imperpetuum, cum restrictionibus sequentibus viz. Volumus et ordinamus quod persone quibus prefate terre in feodifirma assedate fuerint vt premittitur eorumque heredes et omnes inhabitatores earumdem terrarum sint subiecti jurisdictioni burgi nostri antedicti Prepositi, Balliuorumque et officiariorum eiusdem presentium et futurorum et conveniant omni ebdomida cum victualibus et aliis bonis suis ad forum dicti burgi nostri, et obseruent statuta eiusdem, ac veniant et rudeant in placitis siue curiis capitalibus ipsius simili modo in omnibus et per omnia sicut burgenses et inhabitatores eiusdem faciunt: Etiam volumus et concedimus pro nobis et successoribus nostris quod assedaciones que per dictos Prepositum, Balliuos, et Consules dicti nostri Burgi, presentes et futuros, de communibus terris suis antedictis, in toto vel in parte, de nostro consensu quem eis impertimur, in feodifirma facta fuerint vt premittitur pro edificiis et policia desuper conficiendis, nulla erunt causa recognicionis seu forisfacture earundem, nec dampnum aliquod, seu preiudicium dicto nostro Burgo nec Burgensibus ipsius penes libertatem suam et communes terras suas quoquomodo in futurum; Et in maiorem securitatem ipsorum

held of us and our successors in fee and heritage and free burgage for ever under the following restrictions, viz.: We will and ordain that the persons to whom the foresaid lands shall be leased in feu-farm as aforesaid, and their heirs, and all dwellers on the same lands be subject to the jurisdiction of our aforesaid Burgh, the Provost and Bailies and officers thereof, present and to come, and that they repair every week with their victuals and other goods to the market of our said Burgh, and observe the statutes of the same, and come and appear before its tribunals or head courts in the same manner, in all and by all, as the burgesses and inhabitants thereof do; Also we will and grant for us and our successors that the leases which may be made as aforesaid in feu-farm by the said Provost, Bailies, and Councillors of our said Burgh, present and to come, of their common lands aforesaid, in whole or in part, agreeably to our consent which we grant to them, for buildings and policies to be erected thereon, shall be no cause of recognition or forfeiture thereof, nor any damage or prejudice to our said Burgh nor to the burgesses thereof, concerning their liberties and their common lands in any way for the time to come; And for their greater

approbamus ratificamus, ac pro nobis et successoribus nostris, nunc prout extunc et econuerso, pro perpetuo confirmamus omnes assedationes in feodifirma, cartas infeodaciones, sasinas et alienaciones que per dictos Prepositum, Balliuos, Consules, et Communitatem Burgi nostri antedicti, presentes et futuros, de communibus terris suis antedictis, in toto vel in parte, cuicumque persone vel quibuscumque personis in augmentatione communis redditus sui vt premittitur facte fuerint in omnibus et per omnia, secundum tenorem et effectum dictarum cartarum et infeodacionum suarum ; Ac volumus quod dicte assedaciones carte et infeodaciones cum hac nostra confirmacione talis et tanti erunt vigoris efficacie et valoris in omnibus et per omnia sicut in hac nostra carta confirmacionis de verbo in verbum inserte et specialiter expresse fuissent, sine aliquo obstaculo impedimento reuocatione seu contradictione nostri aut successorum nostrorum quorumcumque quoiusmodo inde facienda in futurum. In cuius rei testimonium presente carte nostre magnum sigillum apponi precepimus. Testibus etc. Apud Edinburgh sexto diemensis Octobris anno Domini millesimo quingentesimo octavo et regni nostri vicessimo primo.

security, we approve, ratify, and for us and our successors now as then, and then as now, for ever confirm all leases in feu-farm, charters, infeftments, sasines, and alienations which shall be made, as is premised, by the said Provost, Bailies, Councillors, and Community of our Burgh aforesaid, present and to come, of their aforesaid common lands, in whole or in part, to any person or persons in augmentation of their common good, in all and by all, according to the tenor and effect of their said charters and infeftments; And we will that the said leases, charters, and infeftments, with this our confirmation shall be of as great force, effect, and worth, in all and by all, as if they had been inserted and specially expressed word for word in this our charter of confirmation, without any obstacle, impediment, revocation, or contradiction of us or our successors whomsoever, to be made thereupon in any way in time to come. In witness whereof we have commanded our great seal to be appended to this present charter. Witnesses etc. At Edinburgh, the sixth day of the month of October, in the year of our Lord one thousand five hundred and eight, and in the twenty-first of our reign.

LXIII.

CHARTER by King James the Fourth, under his Great Seal, confirming the Charters No. XX., No. LIV., and No. LV. Stirling, 9th March 1510–11.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus totius terre sue clericus et laicis salutem: Sciatis nos tres cartas subscriptas infeodacionesque et donaciones in eisdem contentas Prepositis, Balliuis, Consulibus, Burgensibus et Communitati Burgi nostri de Edinburgh pro tempore existentibus et eorum successoribus factas; vnam videlicet cartam eis factam per quondam Robertum Logane de Lestalrig militem de singulis viis et passagiis ad portum suum de Leith ducentibus et reducentibus aliisque priuelegiis et libertatibus in dicta carta specificatis; aliam vero cartam et infeodacionem eis factam per quondam nobilissimum carissimumque patrem nostrum bone memorie Jacobum regem tertium, cuius anime propicietur Deus, sub magno sigillo suo, de officio vicecomitis de Edinburgh infra dictum burgum, et de eschaetis et priuilegiis eidem officio spectantibus in eadem carta specificatis; tertiam vero cartam eis per prefatum quondam nobilissimum patrem nostrum sub magno sigillo

JAMES by the grace of God king of Scots: To all good men of his whole land, clergy and laity, greeting: Know ye that we have fully understood three charters underwritten, and the infeftments and grants contained therein, granted to the Provosts, Bailies, Councillors, Burgesses, and Community of our Burgh of Edinburgh for the time being and their successors, one of the said charters being granted to them by the late Robert Logan of Lestalrig knight, of sundry roads and passages to and from his port of Leith, and of other privileges and liberties specified in the said charter; another charter and infeftment granted to them by our late most noble and dear father of good memory King James the Third, on whose soul may God have mercy, under his great seal, of the office of Sheriff of Edinburgh within the said Burgh, and of the escheats and privileges belonging to the said office specified in the said charter; and the third charter being granted to them by our foresaid late most

suo-factam, de minutis custumis proficuis deuoriis priuilegiis et libertatibus dicti portus de Leith aliisque priuilegiis in eadem specificatis; de mandato nostro visas lectas inspectas et diligenter examinatas sanas integras, non rasas, non cancellatas, nec in aliquibus earum partibus suspectas, ad plenum intellexisse, sub hiis formis sequelibus :—

[*Here follow verbatim the Charters No. XX., No. LIV., and No. LV.*]

Quasquidem cartas suprascriptas, ac infeodaciones et donaciones in eisdem contentas, de et super viis passagiis, officio vicecomitis, minutis custumis, proficius, deuoriis, priuilegiis et libertatibus, in ipsis cartis vt premittitur specificatis, in omnibus suis punctis et articulis condicionibus et modis ac circumstanciis suis quibuscunque, in omnibus et per omnia, nos, pro fauoribus et amore quos gerimus erga predilectos nostros Prepositum, Balliuos, Consules, et Communitatem Burgi nostri de Edinburgh predicti, necnon pro ipsorum bono fideli et gratuito seruicio nobis quotidie facto, et pro nonnullis aliis gratitudinibus, consideracionibusque racionabilibus ad hoc nos mouentibus, cum auisamento maturaque deliberacione dominorum nostri consilii, approbamus, ratificamus, et pro nobis et successoribus nostris, vt premissum est, pro perpetuo confirmamus: Saluis nobis et successoribus nostris suffragiis in prefatis

noble father, under his great seal, of the petty customs, profits, duties, privileges, and liberties of the said port of Leith and of other privileges specified therein, by our command seen, read, inspected, and carefully examined, being whole, entire, not erased, not annulled, nor suspected in any of their parts; in these terms:—

[*Here follow verbatim the Charters No. XX., No. LIV., and No. LV.*]

Which charters above written, and the infeftments and grants contained therein of and concerning the roads, passages, office of sheriff, petty customs, profits, duties, privileges, and liberties specified in the said charters as aforesaid in all their points and articles, conditions, and forms and circumstances whatsoever, in all and by all, we, for the favour and love which we bear towards our lovites the Provost, Baillies, Councillors, and Community of our said Burgh of Edinburgh; and also for their good, faithful, and free service rendered to us daily, and for certain other thankful and reasonable considerations moving us hereto, with the advice and mature deliberation of the lords of our council, approve, ratify, and for us and our successors as aforesaid

duabus cartis dicti quondam carissimi patris nostri reseruatis, pro nobis et successoribus nostris annuatim celebrandis, secundum tenorem earundem cartarum. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, reuerendissimo reuerendisque in Cristo patribus, Alexandro Sanctiandree archiepiscopo, cancellario nostro, Willelmo episcopo Abirdonensi, nostri secreti sigilli custode, Andrea episcopo Cathanensi, thesaurario nostro; dilectis consanguineis nostris, Archibaldo comite de Ergile domino Campbell et Lorn, magistro hospicii nostri, Matheo comite de Levenax domino Dernlie, Alexandro domino Hume, magno camerario nostro; Andrea domino Gray, justiciario nostro; venerabilibus in Cristo patribus, Johanne priore ecclesie metropolitane Sanctiandree, Georgeo abbate monasterii nostri Sancte Crucis prope Edinburgh; dilectis clericis nostris, magistris Gawino Dunbar archidiacono Sanctiandree, nostrorum rotulorum registri et consilii clerico, Patricio Paniteir archidiacono Morauiensi, secretario nostro; et dilecto familiari nostro Roberto Coluile de Vchiltre nostre cancellarie directore. Apud Striueling, nono die mensis Martii anno Domini millesimo quingentesimo decimo, et regni nostri vicesimo tertio.

for ever confirm: Saving to us and our successors the suffrages in the foresaid two charters of our said late dearest father reserved, to be celebrated for us and our successors annually, according to the tenor of the said charters. In witness whereof we have commanded our great seal to be appended to the present charter. Witnesses, the most reverend and reverend fathers in Christ, Alexander archbishop of St Andrews, our chancellor, William bishop of Aberdeen, keeper of our privy seal, Andrew bishop of Caithness, our treasurer; our beloved cousins, Archibald earl of Argyle lord Campbell and Lorn, master of our household, Matthew earl of Levenax lord Dernlie, Alexander lord Hume, our great chamberlain, Andrew lord Gray, our justiciary; the venerable fathers in Christ, John prior of the metropolitan church of St Andrews, George abbot of our monastery of Holy Rood near Edinburgh; our beloved clerks Masters Gavin Dunbar archdeacon of St Andrews, clerk of our rolls register and council, Patrick Paniter archdeacon of Moray, our secretary; and our beloved servant Robert Coluile of Vchiltrie, director of our chancery. At Stirling, the ninth day of the month of March in the year of our Lord one thousand five hundred and ten, and of our reign the twenty-third.

LXIV.

CHARTER by King James the Fourth, under his Great Seal, to the Provost, Bailies, Councillors, Burgesses, and Community of the Burgh of Edinburgh of the Newhaven. Stirling, 9th March 1510–11.

JACOBUS Dei gratia Rex Scotorum: Omnibus probis hominibus totius terre sue clericis et laicis salutem: Sciatis nos pro fauoribus et amore specialibus quos gerimus erga predilectos nostros Prepositum, Balliuos, Consules Burgenses et Communitatem Burgi nostri de Edinburgh, necnon pro ipsorum bono fideli et gratuito seruitio nobis quotidie facto ac pro nonnullis aliis gratitudinibus considerationibusque rationabilibus ad hoc nos mouentibus, cum avisamento maturaque deliberatione Dominorum nostri consilii, desiderantes augmentationem priuilegiorum Burgi nostri antedicti, pro communi publico et exaltatione eiusdem ac proficuo Burgensium et Inhabitantium ipsius Burgi, dedisse, concessisse et hac presenti carta nostra pro nobis et successoribus nostris hereditarie confirmasse dictis Preposito, Balliuis, Consulibus, Burgensibus, et Communitati nostri prefati Burgi nunc presentibus eorumque successoribus qui pro tempore fuerint, totum Portum nostrum novum nuncupatum le Newhavin

JAMES by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we, for the special love and favour which we bear towards our beloved the Provost, Bailies, Councillors and Community of our Burgh of Edinburgh, and also for their good, faithful and gratuitous service daily done to us, and for various other good causes and reasonable considerations moving us hereto, with advice and mature consent of the Lords of our Council, desiring the increase of the privileges of our aforesaid burgh, for the common good and benefit thereof, and for the profit of the burgesses and inhabitants of the said Burgh, to have given, granted, and by this our present charter, for us and our successors to have heritably confirmed, to the said Provost, Bailies, Councillors, Burgesses, and Community of our foresaid Burgh, now present and their successors who shall be for the time, our whole new port called the Newhavin with the bounds thereof, lately made and built by

cum bondis eiusdem, per nos in maris littore nuper factum et constructum, inter capellam Sancti Nicholai ex parte boreali ville de Leith et terras de Wardy, cum omnibus predicti portus pertinentiis videlicet, havin silver et proficuis eiusdem sibi et portui suo de Leith annexandis et applicandis, cum communi et libero passagio eundo [ad] prefatum portum novum et redeundo ab eodem, omni tempore, et per omnes vias omniaque passagia que ducunt ad eundem portum, cum libertate et spatio ad edificandum et prolongandum munitionem videlicet le pere et bulwark eiusdem portus, ac mercancias et bona sua in nauibus apud dictum portum oneranda et exoneranda super terram, locandum et ponendum, anchoras et funes in litore figendum a fluxu maris eiusdem portus usque ad frontem interiorem domorum de le South Raw, videlicet, que ex parte australi transitus ville dicti novi portus edificantur, et sicut se ante finem eiusdem in longum extendunt, ac cum omnibus aliis privilegiis dicti novi portus, ac simili modo et adeo libere in omnibus et per omnia sicut ipsi de portu suo de Leith et libertate eiusdem liberius infeodantur et eundem possident: Volumus etiam et ordinamus quod ipsi dictum novum portum in le bulwarkis aliisque munitionibus necessariis pro receptatione et conservatione nauium et

us on the sea-shore, between the chapel of St Nicholas on the north side of the town of Leith and the lands of Wardy, with all the pertinents of the foresaid port, videlicet, havin silver and profits thereof to be annexed and applied to them and their port of Leith, with free and common passage in going to the foresaid port and returning from the same at any time, and by all the ways and passages which lead to the said port; with liberty and space for building and extending the pier and bulwark of the said port, and loading their merchandise and goods in ships, and of unloading the same upon the land, at the said port, to place and let down anchors, and to fix ropes on the shore from the sea-shore of the said port to the inner front of the houses of the South Raw which are built on the south side of the street of the said new port, and as they extend to the foot thereof in length, and with all other privileges of the said new port, in the same manner and as freely in all and by all as they are freely infeft in their port of Leith and liberty thereof, and freely possess the same. We will also and ordain that they uphold the bulwarks and other defences necessary for receiving and protecting the ships and vessels sailing

cimbarum ad eundem confluentium sustineant pro commodo et utilitate nostri regnique nostri et ligeorum nostrorum: Insuper damus concedimus ac pro nobis et successoribus nostris pro perpetuo confirmamus dictis Preposito, Balliuis, Consulibus, Burgensibûs et Communitati dicti nostri Burgi de Edinburgh, nunc presentibus et successoribus suis qui pro tempore fuerint, plenariam facultatem auctoritatem mandatum et potestatem observandi exercendi et exequendi inter semetipsos ac infra omnes suas bondas et libertates tam Burgi nostri de Edinburgh quam in Leith, necnon apud dictum novum portum aliisque in locis circumjacentibus ubi opus fuerit, omnes et singulas leges nostras ac omnia acta et statuta parliamenti nostri et generalis consilii Burgorum nostrorum priuilegia tangentia et concernentia, sic quod ipsi et successores sui omni tempore affuturo quando opus fuerit et eis necessarium videbitur et expediens, eiusdem leges actaque et statuta in quocumque loco infra predictas bondas debite exequi valeant, escheatasque amerciamenta et penas earundem levare, et si opus fuerit pro iisdem namare et distringere valeant, secundum tenorem et effectum legum et statutorum predictorum dimidie tatemque amerciamentorem et penarum predictarum ad usum nostrum importandi, alteram dimidietatem earundem ad fabricam eccle-

thereto for the good and benefit of us our kingdom and lieges. Moreover, we give, grant, and for us and our successors for ever confirm to the said Provost, Bailies, Councillors, Burgesses and Community of our said Burgh of Edinburgh now present and their successors for the time being, full faculty, authority, command and power to observe, fulfil and implement among themselves, and within all their bounds and liberties, as well within our Burgh of Edinburgh as in Leith, as also in the said Newhaven and other places adjoining where it is necessary, all and sundry our laws and all acts and statutes of our Parliament and of the general Convention of our Burghs relating to and concerning our privileges, so that they and their successors in all future time, as need is, and as it seems necessary and expedient to them, do cause the said laws, acts and statutes to be duly obeyed in any place within the foresaid bounds, and the escheats, fines and penalties thereof to levy, and if need be, to poind and distrain therefor, according to the tenor and effect of the foresaid laws and statutes, and the half of the foresaid pains and penalties to inbring to our use, the other half to be applied to the church work and common good of our said Burgh; and if any person or

sie et rempublicam dicti nostri Burgi applicandi, et si aliqua persona sive alique persone in contrarium fecerit vel fecerint, sive ad hoc obstinates vel inobedientes invente fuerint, licebit dictis Preposito, Balliuis, Consulibus et Communitati pro tempore existenentibus, pro legum nostrarum auctorizatione et exaltatione premissorumque completione et executione, convocationem facere ligeorum nostrorum ad subveniendum et fortificandum ipsos in premissis exequendis, quequidem ligeorum nostrorum convocatio nullum erit gravamen dampnum vel preiudicium eis seu ipsorum alicui nec in personis suis neque in hereditatibus aut bonis nec in indictamentis accipientur nec inde accusati fuerint vel turbati quomodolibet in futurum. Tenendum et habendum predictum novum portum cum bondis le havin silver et proficuis eiusdem communi et libero passagio eundo et revertendo ab eodem omni tempore et per omnes vias ut premittitur, ac cum omnibus aliis libertatibus et privilegiis dicti portus superius expressis, dictis Preposito, Balliuis, Consulibus, Burgensibus et Communitati dicti Burgi de Edinburgh nunc presentibus et successoribus suis qui pro tempore fuerint, de nobis et successoribus nostris, in feodo et hereditate imperpetuum, et adeo libere in omnibus et per omnia sicut de dicto portu suo de Leith liberius infeodantur et

persons shall do or cause to be done in the contrary, or shall be found opposing or inobedient thereto, it shall be lawful for the said Provost, Bailies, Councillors and Community for the time being, for the authority and upholding of our laws, and implement and execution of the premises, to convoke our lieges to uphold and support them in executing the premises; which convocation of our lieges shall be no quarrel, damage or prejudice, to them or any of them, nor to their persons, heritages or goods, nor shall be received in judgment, nor shall they be accused or troubled thereupon in any way for ever: To have and to hold the foresaid Newhaven with the bounds, havin silver, and profits thereof, common and free passage of going to and returning from the same at all times and by all roads as aforesaid, and with all other liberties and privileges of the said port above expressed to the said Provost, Bailies, Councillors, Burgesses and Community of the said Burgh of Edinburgh now being and their successors who shall be for the time, of us and our successors in fee and heritage for ever, and as freely in all and by all as they are freely infeft in their said port of Leith, and possess the same, together with full faculty, authority, command and power

eundem possident; unacum plenaria facultate auctoritate mandato et potestate observandi exercendi et exquendi inter ipsos, omnesque alios ligeos nostros infra predictas bondas, omnes leges acta et statuta nostra antedicta, ac cum omnibus aliis privilegiis concessionibus et libertatibus prenotatis, in omnibus et per omnia ut superius est expressum, et generaliter cum omnibus privilegiis et libertatibus quibus per nobilissimos progenitores nostros, sive per dominos de Lestalrig, aut alias quascunque personas, quomodolibet infeodantur, sine aliquo impedimento obstaculo revocatione seu contradictione nostri aut successorum nostrorum quorumcunque. In cujus rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, reverendissimo reverendisque in Christo patribus, Alexandro Sanctiandree archiepiscopo, cancellario nostro, Willielmo episcopo Aberdonensi, nostro secreti sigilli custode, Andrea episcopo Cathanensi, thesaurario nostro; dilectis consanguineis nostris, Archibaldo comite de Ergile domino Campbell et Lorne, magistro hospitii nostri, Matheo comite de Levenax domino Dernle, Alexandro domino Hume, magno camerario nostro, Andrea domino Gray, justiciario nostro; venerabilibus in Christo patribus, Johanne priore ecclesie metropolitane Sanctiandree, Georgeo abbate monasterii nostri Sancte Crucis prope Edinburgh; dilectis clericis

to observe, fulfil and implement by themselves and all others our lieges within the foresaid bounds all our laws, acts, and statutes foresaid, and with all other liberties, grants, and privileges aforesaid, in all and by all as above expressed, and generally with all privileges and liberties in which they were in any way infeft by our most noble progenitors, or by the lords of Restalrig, or any other persons whatsoever; without any impediment, obstacle, revocation or contradiction of us or our successors whatsoever. In witness whereof we have ordered our great seal to be appended to our present charter. Witnesses, the most reverend and reverend fathers in Christ, Alexander archbishop of St Andrews, our chancellor, William bishop of Aberdeen, keeper of our privy seal, Andrew bishop of Caithness, our treasurer; our beloved cousins, Archibald earl of Argyle lord Campbell and Lorn, master of our household, Matthew earl of Levenax lord Dernlie, Alexander lord Hume, our great chamberlain, Andrew lord Gray, our justiciary; the venerable fathers in Christ, John prior of the metropolitan Church of St Andrews, George abbot of our monastery of Holy

nostris, magistris Gawino Dunbare archidiacono Sanctiandree, nostrorum rotulorum registri et consilii clerico, Patricio Panteire archidiacono Moraviensi, secretario nostro, et dilecto familiari nostro Roberto Colvile de Uchiltre, nostre cancellarie directore. Apud Striweling nono die mensis Martii anno Domini millesimo quingentesimo decimo et regni nostri vicesimo tertio.

Rood near Edinburgh; our beloved clerks, Masters Gavin Dunbar archdeacon of St Andrews, clerk of our rolls register and council, Patrick Panitor archdeacon of Moray, our secretary; and our beloved servant Robert Coluille of Vchiltrie, director of our chancery. At Stirling, the ninth day of the month of March, in the year of our Lord ono thousand five hundred and ten, and in the twenty-third of our reign.

LXV.

Bond of Maintenance by James Earl of Arran, one of the Regents, Lieutenant of Merse and Lothian, and Warden of the East Marches, to the Provost, Bailies, Council, and Community of Edinburgh, for amity and concord between them. Edinburgh, 20th January 1520.

Be it kend till all men be thir present lettres ws James erle of Arrane lord Hammiltone ane of the Regentis of the Realme lietennent of the Mers and Louthiane and wardane of the Est merschis, till be bundin and oblist, and be thir present lettres, and the faith and treuth in our body, lelielie and treulye straitlie bindis and oblissis ws, for ws our kin frendis and seruandis, to the Prouest, Baillies, Counsale and Communite of the Burgh of Edinburgh for vnite and concord to be had betuix ws and thame in tyme cuming perpetualie, and for stancheing of troubile hereftir, that we sall defend the saidis Provest, Baillies, Counsale and

Communite and euery ane of thame, and tak thar auffald part in all their just and leiffull actionis agains all vtheris that wald invaid thame vniustlie; and that the saidis Prouest, Baillies, Counsale and Communite and euir ilkane of thame salbe harmeles and scathles of ws our kin frendis and seruandis of bodelie harme or vther ways according to the law; and for the faithfull obseruing keping and fulfilling of the premissis and euery poinct thairof we bind and oblissis ws faithfullie for ws our kin frendis and seruandis as said is to the saidis Provest, Baillies, Counsale and Communite of the said Burgh in the sickerest forme and stile of obligacione that can be maid or diuisit but fraud and gile. In witnes of the quhilk to thir our present lettres subscriuit with our hand our sele is affixit at Edinburgh the xx day of the moneth of Januer, the yer of God j^{m} v^{c} and xx yeris.

JAMES R.
Erl of Arrin.

LXVI.

REMISSION by King James the Fifth, under his Great Seal, in favour of the Provost, Bailies, and whole Community of Edinburgh, for their treasonablē rising against the High Chamberlain, the Lord Chancellor, and Lords of Council, and for resisting the Earl of Arran, His Majesty's Lieutenant and Provost of the Burgh, and for other crimes and offences. Edinburgh, 22d May 1527.

JACOBUS Dei gracia Rex Scotorum: Omnibus probis hominibus suis ad quos presentes litere peruenerint salutem: Sciatis quia nos con-

JAMES, by the grace of God King of Scots: To all his good men to whom the present letters shall come, greeting: Know ye that we, considering the good,

siderantes bonum fidele et gratuitum seruitium nobis per dilectos nostros Prepositum, Ballivos, Consules et Communitatem Burgi nostri de Edinburgh a tempore obitus quondam nobilissimi patris nostri bone memorie, cuius anime propitietur Deus, impensum; necnon dampnum ingens tribulationem et quorumdam magnatum indignationem quod et quas nostro perpessi sunt servitio. Ex gratia nostra speciali remisimus generaliter Preposito, Balliuis, Consulibus et toti Communitati prefati Burgi nostri et eorum cuilibet eundem actualiter nunc inhabitandis rancorem anime nostri sectam regiam et omnem actionem quem et quas erga ipsos et ipsorum quemlibet concepimus habemus seu quouismodo habere poterimus pro eorum proditoria insurrectione contra quondam Johannem dominum Fleming nostrum magnum camerarium in pretorio Burgi nostri de Edinburgh antedicti pro tribunali sedentem in sui officii camerarie executione. Necnon pro proditoria insurrectione ligiorumque nostrorum conuocatione contra nostrum cancellarium et consilii nostri dominos, ac resistentia consanguineo nostro Jacobo comite Aranie domino Hammiltoun ipsum ab ingressu Burgi nostri de Edinburgh antedicti ad inferiorem arcum eiusdem repellendo, ipso tunc nostro Locumtenenti et eiusdem Burgi Preposito existente ac pro omni-

faithful, and gratuitous service done to us by our lovites the Provost, Bailies, Councillors and Community of our Burgh of Edinburgh from the time of the decease of our late most noble father of good memory, on whose soul may God have mercy, as also the great injury, trouble and wrath of certain of the nobility with which they were oppressed on account of our service, of our special favour remit generally to the Provost, Bailies, Councillors and whole Community of our foresaid Burgh, and every one of them, now actually dwelling therein, all rancour of our mind, royal process, and all action which we conceived, had or could have in any way towards them and any of them, for their treasonable insurrection against the deceased John Lord Fleming, our great Chamberlain, when sitting in judgment in the Tolbooth of our foresaid Burgh in the execution of his office of Chamberlain; as also for the treasonable insurrection and convocation of our lieges against our Chancellor and the Lords of our Council, and resisting and repelling our cousin James earl of Arran, lord Hamilton, from entering our foresaid Burgh at the Nether Bow of the same, he being at the time our Lieutenant and Provost of the said Burgh, and for all

bus actione et crimine que inde sequitur poterint: necnon pro omnibus aliis actionibus transgressionibus criminibus et offensis quibuscumque per dictos Prepositum, Ballivos, Consules et Communitatem seu ipsorum aliquem infra dictum nostrum Burgum nunc actualiter inhabitantes aliquibus temporibus retroactis vsque in diem date presentium commissis seu quomodolibet perpetratis, proditoria traditione in nostram personam regiam, murthuro, incendiis, mulierum raptu, et communi furto exceptis. Volumus etiam et concedimus quod noster hec generalis remissio dictis Preposito, Balliuis, Consulibus et Communitati et ipsorum cuilibet talis et tanti erit valoris rigoris roboris et efficacie ac si eadem si ipsis singilatim per eorum nomina et cognomina specialiter expressa per nostros remissionum literas nostro sub magno sigillo datas et concessas fuisset, exonerantes nostrum justiciarum, justiciarie clericum, coronatores et eorum deputatos, ceterosque, nostros officiarios quoscunque de omni attachiatione arrestatione amerchiatione vocatione et processatione contra prelibatos Prepositum, Balliuos, Consules et Communitatem et eorum quemlibet pro aliquibus criminibus elapsis, exceptis prius exceptis, et de eorum officiis in hac parte per presentes. Et supradictos Prepositum, Balliuos, Consules et Communitatem predicti nostri Burgi et ipsorum

action and crime which could follow thereupon; also for all other actions, transgressions, crimes, and offences whatsoever committed or in any way done by the said Provost, Bailies, Councillors and Community, or any of them, now actually dwelling within our said Burgh, in any times bygone until the day of the date of these presents, treasonable insurrection against our royal person, murder, fire-raising, ravishing of women, and common theft excepted: We will also and grant that this our general remission shall be of as great value, force, strength, and effect to the said Provost, Bailies, Councillors and Community, and every one of them, as if each one singly had been specially expressed name and surname in our letters of remission made and granted under our great seal; discharging our justice, justice clerk, coroners and their deputes and others our officers whomsoever from all attaching, arresting, fining, calling, and proceeding against the said Provost, Bailies, Councillors, and Community, and each of them, for whatever bypast crimes, except as before excepted, and from their offices in that part; and taking the foresaid Provost, Bailies, Councillors, and Community of our foresaid Burgh, and each of them, now actually dwelling

quemlibet nunc eundem actualiter ut premittur inhabitantem sub firma pace et protectione nostra, juste suscipientes firmiter inhibemus nequis eis aut eorum alicui occasione dictarum proditoriarum insurrectionum conuocationisque ligeorum nostrorum et resistencie predictarum aut aliarum actionum transgressionum criminum et offensarum suprascriptarum, exceptis prius exceptis, malum molestiam iniuriam seu grauamen aliquod inferre presumat iniuste, super nostram plenariam forisfacturam aut mortem eiis seu ipsorum alicui inferat sub pena amissionis vite et membrorum. In cuius rei testimonium has literas nostras remissionis pro toto tempore vite prefatorum Prepositi Balliuorum et totius communitatis antedicte et cuiuslibet ipsorum duraturas sub nostro magno sigillo sibi fieri fecimus patentes. Apud Edinburgh vicesimo secundo die mensis Maii anno Domini millesimo quingentesimo vicesimo septimo et regni nostri decimo quarto.

therein as aforesaid, under our firm peace and protection, we strictly prohibit that no one presume unjustly to infer any injury or damage to them or any of them by reason of the said treasonable insurrection, convocation of the lieges and resistance foresaid, or of any other actions, transgressions, crimes, and offences above written, except as before excepted, under our full forfeiture, or infer death to them or any of them, under the penalty of loss of life and members. In witness whereof we have caused these our letters of remission to endure for the whole time of the lives of the foresaid Provost, Bailies and whole Community foresaid, and every one of them, to be made patent under our great seal. At Edinburgh the twenty-second day of the month of May, in the year of our Lord one thousand five hundred and twenty-seven, and in the fourteenth of our reign.

LXVII.

LETTER by King James V. to Pope Clement VII., praying his Holiness to grant Indulgences to those who should visit the Trinity College, and aid in the completion of the building. Stirling, 22d March 1531.

Sanctissimo domino nostro Pape.

BEATISSIME pater, post humillimam prostrationem ad pedes Sanctissimos. Est Collegium non incelebre juxta oppidum nostrum Edinburgi, ab olim Serenissima principe Maria Regina Scotie, proavia nostra, fundatum, cuius prepositus est Iohannes Dingvalli, vir prudens et probus, Romane Sedis prothonotarius, qui jam secum destinavit choro magnifice extructo reliquum templi equare, unde opus non sine ingenti impensa absolvendum aggressus est, quod ut facilius perficiat, et ut communi juvetur auxilio, cupit ut Vestrae Sanctitatis beneficio gratiose indulgentie omnibus vere penitentibus, contritis et confessis Collegium hoc in festo dive Trinitatis, et per octavas, devotionis causa visitantibus, ac fabrice eiusdem adiutrices manus porrigentibus, pro ipsius prepositi

To our most holy Lord, the Pope.

MOST blessed Father, after most humble prostration at your most holy feet, there is a somewhat famous College, near our town of Edinburgh, founded by the most serene Princess, Mary, formerly Queen of Scotland, our great grandmother, the Provost of which is John Dingwall, a prudent and worthy man, prothonotary of the Roman see, who has resolved to make the rest of the church conformable to the magnificently constructed choir, having thus undertaken a work not to be completed without great expense, which that he may the more easily accomplish, and that he may be assisted by the help of the public, he desires that by the beneficence of your Holiness, gracious indulgences may be granted, for the lifetime only of the Provost himself, to all who shall visit the College on the feast of the Holy Trinity, and during the Octave, for the purpose of devotion, being truly penitent, contrite, and making confession, and who shall put forth helping hands to the building of the same,

vita tantum concedantur, possitque, per se vel idoneos presbyteros, ejusmodi indulgentias consequendi causa concurrentium confessiones audire, atque illos absolvere. Quare Vestram Sanctitatem rogamus, (ut) his tam piis desideriis benigne annuas, et indulgencias quam amplissimas, ceteraque omnia concedas, que prepositus ipse supplicando juste postulaverit. Beatissime pater, eandem Vestram Sanctitatem Deus Optimus Maximus quam longissime felicem conservet. Ex arce nostra Stirlingensi, vigesimo secundo die mensis Martii, anno ab incarnatione Dominica trigesimo primo supra millesimum et quingentesimum.

E. V. S.

Devotus filius Scotorum Rex,
JAMES R.

and that he may be empowered to hear the confessions of those who shall assemble for the sake of obtaining such indulgences, and to absolve them, either personally, or by suitable presbyters: Wherefore we pray your Holiness graciously to assent to these so pious wishes, and to grant indulgences as plenary as possible, and all other things, which the Provost himself may with justice humbly crave. Most blessed Father, may God Almighty long preserve your Holiness in felicity. From our castle of Stirling on the 22d day of the month of March in the year from the incarnation of our Lord One thousand five hundred and thirty-one.

The devout Son of your Holiness, the King of Scots,
JAMES R.

LXVIII.

DECREE of the Lords of Council and Session against certain inhabitants in north side of Leith, finding the Provost and Bailies of Edinburgh to be competent judges in regard to petty customs. Edinburgh, 17th February 1540.

ANENT the supplicatioun gevin in be Thomas Richartsoun, Florence Cornetoun, and Johnne Kar, induellaris in Leith, vpoun the north syde

thairof aganis the Provest, Ballies, Counsale and Communite of the Burgh of Edinburgh, and Robert Watsoun, that whair the saidis personis ar attechit and warnyt at the command of the saidis Provest and Ballies to compeir befor tham to ansuer at the instance of the said Robert Watsoun thesaurer of the said Burgh to here thame be decernit to pay to the saidis Provest and Ballies thair petty custumes of certane yeris last bipast albeit the saidis Provest and Ballies ar na competent jugis to thame becaus thai duell within the regalite of the Abbay of Halyrudhous and suld ansuer to the abbot and convent of the said abbay of the sam and thair ballies or befor the lordis of counsale and nane vtheris and als the said Provest and Ballies ar suspect to be jugis to tham in the said mater that being baith juge and partj in thair commoun actionis considering thai and thair predecessouris duelland vpoun the north syde of Leith within the said regalite continualie past memour of man war ay fre for all payment of ony petty custumes to the toun of Edinburgh and ar infeft farlie thairintill without ony custumes or ancarage to be payit to tham thairthrow as at mair lenth is contenit in the said supplicatioun: All the saidis partiis being personaly present thair rychtis resonis and allegationis etc. The Lordis of Counsale vnderstandis that the Provest and Ballies of Edinburgh ar competent jugis in the said mater, and findis na caus whairfor the said mater suld be aduocat befor the saidis Lordis; and that letteres be direct herupoun as efferis.

LXIX.

DECREE of the Lords of the Articles of Council and Session against Thomas Rechartsoun in Leith for payment of petty customs to the Provost and Bailies of Edinburgh. Edinburgh, 17th February 1540.

THE Lordis of Articulis, Counsale and of Sessioun vnder writtyn, that is to say etc. Anent the supplicatioun gevin in be Thomas Rechartsoun in

Leith aganis the Provest and Ballies of the Burgh of Edinburgh, that whair his boit is ladynit with barrellis on the north syde in the hevin of Leith reddy to depairt to the Brint Iland and the Provest and Ballies forsaidis allegiand that thai suld have hankerage and small custvme of his said boit hes gart thair officiaris arreist her for the samyn howbeit he and inhabitaris of the north syde of the brig of Leith whilkis duellis in the regalite of Halyrudehous war neuir in vse of paying of ony ankerage or small custvme in ony tyme bigane past memour of man, and thairfor hes the said Provest and Ballies in pley before the Lordis of Counsale; and the pley beand dependand as yet ondecidit na innovatioun suld be maid; and anent the charge gevin to the saidis Provest and Ballies to compeir befor the saidis Lordis to heir and se sourte ressauit of the said Thomas to do for the ankerage and small custume of his said boit all that law will and to lous the said arreist maid thairapoun like as at mair lenth is contenit in the said supplicatioun. All the saidis partyis being personaly present thare rychtis resonis etc. The Lordis of Articulis of Parliament Counsale and of Sessioun being convenit for decisioun of the said actioun and pley, decretis, deliueris, and decernis that the arreist maid vpoun the said Thomas Rechertsonis schip and gudis in maner forsaid aucht nocht nor suld nocht be lowsit vnder cautioun because thai fynd that the toun of Edinburgh and inhabitaris thairof ar in continewale possessioun of ankerage and small custume in all the partis of the said hevin of Leith be vertu of ane title fredome and priuilegis grantit to thame be vmquhile our souerane Lordis maist noble progenitouris of gude mynd, wham God assolye, for the speciall favouris luffe and tender affectioun thai bure to the said toun and communite thairof as thair euidentis and infeftmentis schewin and producit befor the saidis Lordis proportit and bure; And letteris to be direct herapoun geif neid be.

ADDENDUM.

LXX.

LETTER from the Alderman, Bailies, and Council of the Burgh of Edinburgh, to King James I. Edinburgh, 20th September [1423 ?].

RYCHT hey mychti maste excellent Prince . oure doutydest Legislorde kyng . yhur honorablez lettres tyl vs present be yhur Noble Squyer Jamys of Doglas. We hafe resayuit mekly . wytht reuerence . as we aw ado . and the tenor tharof consayuit fullely In effect Of the poyntement als of your happy deliuerance . wytht al our hartis . heyli we ar reioisit . thankand your excellence als oft as we ar worthy . of yhur gracius . benygt . writyng . that is direct sa hombly to vs yhur symplez suggetis. And as tuechand a portion of our gudis . to be lent to the refressyng of yhur hey estate to be allouyt vs in your custume . Rycht hey mast excellent Prince we traiste it is nocht vnkennit to yhur heynes . how we are demaynit in this lande. and be yhond the See . and as langand yhur custumes . vs worthis to vndirly ye ordonance of yhure noble Depute . the Gouernour off your Realme to your gracious hamecumyng. We wyll als and we graunte . yat our bodijs and al our gudis as yhur symplez leegis ar at your wyll now . and altyme salbe redye at yhour noble comandement . as we aw to be of rycht and resoun. Yhur hey excellence and kyngis maieste conserue and kepe in freedome the almychti Sonne of

the glorius virgine. Wretyn at yhur burgh of Edynburgh . vndre ye twa baillees Seelis . the tuentyth day of the moneth of September.

Yhur Symplez sugetis Alderman Baillees
and Conseel of yhur burgh of Edynburgh.

(*Dorso.*) Excellentissimo et potentissimo principi
ac domino Jacobo dei gratia Scottorum Regi
illustri domino nostro metuendissimo.

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